

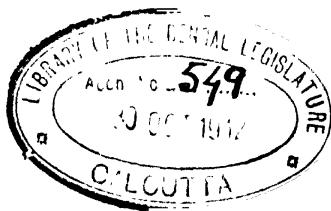


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Bengal Legislative Assembly
.Eleventh Session, 1941

The 4th, 5th and 6th August, 1941



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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

- (1) The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.
- (2) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.
- (3) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.
- (4) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of Public Health (including Medical) and Local Self-Government Departments.
- (5) The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar, in charge of Communications and Works Department.
- (6) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Finance, Commerce and Labour Departments.
- (7) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.
- (8) The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forests and Excise Departments.
- (9) The Hon'ble Mr. MUKUNDA BEHARY MULICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.
- (10) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

**PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE
ASSEMBLY.**

SPEAKER.

The Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur.

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-Law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-Law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SUDRUL OLA.

REGISTRAR.

A. B. CHATERJI, Esq.

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Eleventh Session.

Volume LX—No. 2.

Proceedings of the Bengal Legislative Assembly assembled
under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday,
the 4th August, 1941, at 4-45 p.m.

Present:

Mr. Deputy Speaker (MR. M. ASHRAF ALI, Bar.-at-Law) in the
Chair, 8 Hon'ble Ministers and 200 members.

STARRED QUESTIONS

(to which oral answers were given)

Copies for the public of Rules, Orders and Circulars.

*28. **Babu NAGENDRA NATH SEN:** (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether there is any other arrangement except by subscribing to the *Calcutta Gazette* under which the public may obtain copies of Rules, Orders and Circulars having the force of law?

(b) Is the Hon'ble Minister aware—

(i) that copies of current Acts of the Central Legislature are not available either in the Government of India Central Book Depot or in the Bengal Secretariat, in the Writers' Buildings; and

(ii) that this causes inconvenience to the public?

(c) If so, what steps do the Government propose to take in the matter?

(d) Is the Hon'ble Minister considering the desirability of supplying the Rules, Orders and Circulars of the Provincial Government, the Hon'ble High Court, and the Board of Revenue to the general public at reasonable price?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) All saleable publications of this Government (including Statutory Rules, Orders and Circulars) are available for sale at the Bengal Government Press, Publication Branch, Alipore, Bengal, and Sales Office, Writers' Buildings, Calcutta.

(b) (i) No. The matter is not a responsibility of this Province.

(ii) and (c) Do not arise.

(d) They are available for sale at reasonable prices.

Emperor versus Ismail Patari and others case.

***30. S. NARENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether—

(a) the accused persons convicted in the case Emperor *versus* Ismail Patari and others (Cr. Rev. Nos. 541 and 542 of 1939, Calcutta High Court) have had their sentences remitted under section 401, Criminal Procedure Code, before the full term of the sentences; and

(b) if so, will the Hon'ble Minister be pleased to state the reasons for which their sentences were so remitted?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:
(a) Yes.

(b) Government considered the sentences to be too severe in view of the nature and extent of the damage done.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that these persons under question cut paddy in broad daylight in defiance of the order of the police officer stationed there to maintain law and order?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:
The question is a question of sentence only and not one of finding of facts.

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the Hon'ble High Court itself upheld the sentence of the lower court which sentenced them to several terms ranging from one to two years?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The High Court also said that the sentence was too severe, but then they did not go far enough having regard to the circumstances of the case. You all know that the question between the landlord and the tenant and especially the right of the landlord is now under serious consideration, and although I personally do not believe that the landlord should be deprived of the right over the land, I am not one of those who also believe that the landlord should think of ousting the poor tenant. (Cries of "Hear! hear!" from the Congress Benches.) This case must be taken from all points of view. When I saw that a poor man had been deprived of his house and his holding by a landlord and when the landlord wanted to be in possession of that land, I thought that the order was all right, but the sentence was too severe. The High Court also passed an opinion like that, but they did not go far enough. I thought that all justice must be tempered with mercy (Cries of "Hear! hear!" from the Congress Benches.) and that justice must not be vindictive as my friend has tried to show. As long as I am the Judicial Minister I will see that justice is not at all influenced by vindictiveness. I deprecate that idea of the people concerned and I would like that whenever we think of doing justice, we should also think of justice tempered with mercy and not justice aggravated by vindictiveness as my honourable friend has shown.

Mr. SURENDRA NATH BISWAS: In view of the answer just now given, will the Hon'ble Minister be pleased to state that the Hon'ble High Court could not do justice in that case and justice was vindicated by the Government?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us at whose instance the sentence was remitted?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It was at the instance of this Minister. (Laughter from the Congress Benches.)

Srijut NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that in course of deposition before the Judge's Court

the Muhammadan Police Inspector himself deposed that the persons in question were reputed bad characters and were terrors to the locality?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: They could have brought a case under section 110 in that case.

Grant of an allowance to externee Srijut Bimal Raha.

***31. Mr. ATUL KRISHNA CHOSE:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the order of externment served on Sj. Bimal Raha (No. 1120P.D. Order) is still in force?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state his—

(1) present residence; and

(2) means of livelihood?

(c) Have the Government given him any allowance to maintain himself and his family?

(d) Will the Hon'ble Minister be pleased to state—

(i) what was his profession before the order of externment was served on him; and

(ii) what was his monthly income?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) and (d) (ii) I have no information.

(c) No.

(d) (i) Newspaper hawker.

Mr. ATUL KRISHNA CHOSE: With reference to answer (c), will the Hon'ble Minister be pleased to state how Srijut Bimal Raha used to maintain himself and his family?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information.

Mr. ATUL KRISHNA CHOSE: Mr. Deputy Speaker, Sir, I definitely asked the question as to what was the source of maintenance of that gentleman externed by the Government, and in reply I find that Government have no information. In reply to the supplementary question also the Hon'ble Minister has said that he has no information. May I ask whether Government was right in not giving any reply whatsoever.

Mr. DEPUTY SPEAKER: The reply is there. He has no information. What answer can he give when there is no information?

Mr. ATUL KRISHNA CHOSE: Government ought to know how the gentleman is maintaining himself and his family, because he is now under Government.

Dr. NALINAKSHA SANYAL: Let us have a reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: No application for any allowance has yet been made. So no question arises as to how he is maintaining himself.

Mr. ATUL KRISHNA CHOSE: Is the Hon'ble Minister considering the desirability of giving some allowance to that gentleman, so that he can maintain his livelihood?

The Hon'ble Khwaja Sir NAZIMUDDIN: He has not yet asked Government for any allowance. He has not applied for any allowance.

Mr. CHARU CHANDRA ROY: I draw your attention, Sir, to the answer given by the Hon'ble Minister to questions (b) and (d). The question (b) was: "If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state his (1) present residence, and (2) means of livelihood?" The Hon'ble Minister has answered: "I have no information." The man has been externed and the Government does not care to keep any information even about his present residence. Is it negligence or wilful ignorance of Government? We gave notice of this question 12 or 15 days earlier and Government could not collect this information. I ask the Hon'ble Minister through you, Sir, whether this is not trying to avoid answering questions.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as this person is concerned, he was externed in Faridpur district and it is possible that if the honourable member insists, it can be found out where he is staying in Faridpur district. Information was not readily available and we wanted to reply as quickly as possible. So we have submitted the answer from the information at the disposal of Government here.

Mr. NIHARENDU DUTTA MAJUMDAR: Will the Hon'ble Minister be pleased to state what steps did Government take to ascertain the present residence of Mr. Raha as well his means of livelihood?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have taken no steps, but as I have said, this person has not applied for any allowance. Therefore the question does not arise as to how he is maintaining himself. As far as his present residence is concerned it is not available here. If necessary, if the member insists, I can get the information, but it does not take us very far.

Mr. NIHARENDU DUTTA MAJUMDAR: I am afraid my question has not been answered. I am, therefore, putting the question again. The Hon'ble Minister has stated that as the person has not applied for any allowance, the question does not arise. I asked the Hon'ble Minister to state whether Government did take any steps to ascertain Mr. Raha's present residence, whether it was within the externed area or whether it was outside, and his means of livelihood, whether he is actually starving and thinks it derogatory to his self-respect to apply to Government which has inconsiderately externed him for allowance. That is the purport of my question. Will the Hon'ble Minister be pleased to answer it?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know he must be in the Faridpur district, because if he had not been there, we would very likely have come to know of it. I have already stated, and I repeat again, that as there has been no application for any allowance we have taken no steps to find out as to how he is maintaining himself.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he means that it is no concern of the Government to know whether a person on whom an order of externment has been passed and who has been deprived of the means of his livelihood can carry on without employment or without any other means of livelihood or is starving?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government assume that if a person does not apply for any allowance, he is able to maintain himself.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether a history sheet is maintained in respect of a person who is dealt with under the Defence of India Rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not by the Home Department. Perhaps history sheets are maintained of all such persons by the Intelligence Branch Department.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the history sheet which is in the Intelligence Branch Department discloses information which has been asked for in this question, viz., the present residence and means of livelihood?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, very likely as far as his residence is concerned, but it is not necessary that his present means of livelihood should be there.

Post of Government Pleader and Public Prosecutor of Rajshahi.

***32. Maulvi M. MOSLEM ALI MOLLAH:** (a) With reference to the answer given to starred question No. 201 in the August-September Assembly Session of 1938, regarding the post of Government Pleader and Public Prosecutor of Rajshahi, will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the vacancy in the post which was advertised as far back as August, 1937, has since been filled up?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state—

(i) the reason therefor; and

(ii) when the orders are likely to be issued?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:

(a) The combined post of Government Pleader and Public Prosecutor, Rajshahi, has since been split up into two separate posts of Government Pleader and Public Prosecutor. Babu Kritanta Nath Maitra, pleader, has been appointed Government Pleader, and Rai Surendra Nath Bhaya Bahadur, former Government Pleader and Public Prosecutor, Rajshahi, as Public Prosecutor till permanent arrangement is made.

(b) Does not arise.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how long Government would take to make permanent arrangements as it appears that the case has been long pending since August, 1937?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:

The fact is not absolutely correct, but it is true that the case is still pending. I do not believe that my friend would like to draw from me all the facts, but I think he ought to be satisfied with the assurance that every effort is being made to expedite the decision of this question as early as possible.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state when the combined post of Government Pleader and Public Prosecutor was split up into two and temporary appointments made?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Some months ago.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether it is the policy of Government to appoint a Muslim Public Prosecutor when there is a Hindu Government Pleader?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Yes, if there is a well-qualified Muslim available.

Improvement in the present water-supply in Chittagong Municipality.

***33. Dr. SANAULLAH:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Chittagong Municipality have approached the Bengal Government for any financial help for improving the existing water-supply of the town?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the amount asked for?

(c) Do the Government intend to sanction any amount; if so, how much?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) Yes.

(b) Out of the total estimated cost of the scheme of Rs.6,16,000 the Municipal Commissioners have asked for a grant of Rs.2,89,500 and a loan of an equal amount.

(c) The matter is under the consideration of Government.

Mr. NIHARENDU DUTTA MAJUMDAR: Will the Hon'ble Parliamentary Secretary be pleased to state when Government are likely to arrive at a decision with regard to this grant of Rs. 2,89,500 for the clearance of water hyacinth or any portion thereof?

Mrs. HASINA MURSHED: The whole matter is under the consideration of Government. As regards the time, Government cannot give any definite time but they are trying to expedite the disposal of the case.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Rivers Brahmaputra and Meghna.

29. Babu NAGENDRA NATH SEN: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that a Brahmaputra-Meghna Rivers' Commission has been constituted or is going to be constituted?

(b) If it has been constituted, will the Hon'ble Minister be pleased to state the names of the members thereof?

(c) What are the terms of reference to this Commission?

(d) Is the Hon'ble Minister aware that the railway bridge between Ashuganj and Bhairab (Assam-Bengal Railway) has materially interfered with downflow of water of the rivers Brahmaputra and Meghna?

(e) If so, will the Hon'ble Minister be pleased to state whether the question of the necessity of any change in the structure of this bridge, will be included in the terms of references of the Commission?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) A proposal for constituting a Commission to deal with the conservation of the Brahmaputra-Meghna river system in Bengal and Assam is under correspondence with the Government of India.

(b), (c) and (e) Do not arise.

(d) Investigations made so far do not support such a contention.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the public will be taken into confidence in the matter of the constitution of the Commission and its terms of reference or whether it is a matter purely to be dealt with by Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It will be more or less of a departmental nature. I may inform my hon'ble friend that the Commission will consist of experts only.

Babu NAGENDRA NATH SEN: With reference to answer (d), will the Hon'ble Minister be pleased to state whether Government have any information to show that the contention is not correct?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: My honourable friend or some other honourable member of this House put a specific question on that matter and an enquiry was made by our departmental experts to find out whether the railway bridge obstructed the natural flow of the river. It transpired that the flow was not impeded by the construction of the bridge.

Mr. NIHARENDU DUTTA MAJUMDAR: With reference to answer (c), will the Hon'ble Minister be pleased to state whether Government are not considering the advisability of including within the terms of reference of the Brahmaputra and Meghna Rivers Commission the examination of the question as to whether there is any necessity of any change in the structure of the bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. The Commission when constituted is competent enough to enquire into all such questions.

Mosquito nuisance in jails of Bengal.

30. Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

- (a) whether any preventive measures against mosquito nuisance are taken in the various jails of Bengal;
- (b) whether Government have decided to provide mosquito curtains to prisoners; and
- (c) whether division III prisoners are allowed to use mosquito curtains procured at their own cost?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) and (b) (1) Mosquito nets are provided at Government cost for all division I and division II prisoners and for division III prisoners attacked with malaria?

(2) Superintendents have been given the discretion to accept mosquito nets from outside for division III prisoners in cases where they can be used without objection;

(3) A bedsheet has been supplied to each division III prisoner as a protection against mosquitos; and

(4) Sanitary measures are taken in all jails to reduce the incidence of malaria by keeping jail premises and surroundings clear of larvæ so far as possible.

(c) Not all division III prisoners.

Babu NAGENDRA NATH Sen: With reference to answer (c), viz., "not all division III prisoners", will the Hon'ble Minister be pleased to state what class of division III prisoners are excluded from the benefit of these mosquito curtains to be procured at their own cost?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would refer the hon'ble member to answer (2), namely, "Superintendents have been given the discretion to accept mosquito nets from outside for division III prisoners". It is purely a matter of discretion on the part of a Superintendent. It does not refer to any class or any one jail.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the division III prisoners are allowed to use mosquito nets before they are attacked with malaria?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already answered that question.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answers (a) and (b) (1), viz., "Mosquito nets are provided at Government cost for all division I and division II prisoners and for division III prisoners attacked with malaria", that is referring to mosquito nets supplied at Government cost. With reference to mosquito nets supplied at their own cost, will the Hon'ble Minister be pleased to state whether these division III prisoners are allowed to use those mosquito nets before they are attacked with malaria?

The Hon'ble Khwaja Sir NAZIMUDDIN: Please read answer (2).

Mr. NIHARENDU DUTTA MAZUMDAR: In answer to (a) and (b), the Hon'ble Minister has stated that mosquito nets are provided at Government cost to division III prisoners when they are attacked with malaria. My question is: Are division III prisoners supplied with mosquito nets at Government cost before they are attacked with malaria or are they allowed to use mosquito nets at their own cost as a preventive measure against malaria?

The Hon'ble Khwaja Sir NAZIMUDDIN: Division III prisoners are not given mosquito nets before they are attacked with malaria at Government cost but in certain cases where the Superintendent thinks it fit and proper he can permit a division III prisoner to use a mosquito net supplied at his own cost.

Rai HARENDRA NATH SHAUDHURI: With reference to answer (c) the question is whether division III prisoners are allowed

to use mosquito curtains procured at their own cost, the answer is, "Not all division III prisoners". Will the Hon'ble Minister be pleased to state why even at their own cost they are not allowed to use mosquito nets?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are various reasons. One of the reasons is that it will occupy more room and will obstruct ventilation, and, of course, as far as the question of watch is concerned, it is difficult to look inside it at night from outside as to whether they are there or not. These are the reasons why we have, as a matter of fact, asked the Superintendents to submit estimates whether it is possible to have these mosquito-proof wire nettings in jail and we have asked them to experiment with some kind of stuff like mosquito coils that is used for preventing mosquitos and other indigenous stuffs. Experiments are being made on these lines and estimates are being submitted.

Rai HARENDRA NATH CHAUDHURI: Having regard to the fact that convicts in Bengal suffer most from malaria, will not the Government be prepared to consider that those of the prisoners who can afford to have mosquito nets at their own cost should have mosquito nets?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, if it is to be at Government cost—

Rai HARENDRA NATH CHAUDHURI: No, no. At their own cost.

The Hon'ble Khwaja Sir NAZIMUDDIN: If it is at their own cost it means that some kind of improved accommodation or more accommodation has to be provided for mosquito nets. As it is, most of the jails are over-crowded and if we have to give division III prisoners mosquito nets, it will occupy more space and the result will be that we will have to increase our accommodation. That is the difficulty apart from the other objections that are held by the Jail Department.

Rai HARENDRA NATH CHAUDHURI: How does the Government hope to reduce the incidence of malaria in jails?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to answer (3) and (4) and also to the fact that we are trying, as I have already said, to obtain estimates whether it is

possible to furnish these rooms with such thin curtains that mosquitos may not come in or to use the stuff which kills the mosquitos in these rooms.

Rai HARENDRA NATH CHAUDHURI: In the meantime?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the meantime we have given them thin sheets which the average Indians use to protect them against mosquitos.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মহাশয় এমন কোন তথ্য জানেন কি, যার উপর নির্ভর করে তিনি বলতে পারবেন কোন কোন জেলে Superintendent এই রকম অবস্থা বুঝে মশারির ব্যবস্থা করেছেন?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Babu NARENDRA NARAYAN CHAKRABARTY: একটা মশারিরও ব্যবস্থা করেছেন?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মহাশয়, এমন তথ্য জানা আছে কি, যার উপর নির্ভর করে তিনি বলতে পারেন, বাংলাদেশের কোন কোন জেলের কয়েদিদের ম্যালেরিয়া থেকে বাঁচাবার জন্য মশারির ব্যবস্থা করা হয়েছে?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, not to protect them from malaria. I cannot tell you more than what I have stated. I can only say this much that after being attacked with malaria if a man is suffering from it, the thing is provided.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মহাশয়, কি জানেন যে, পরীক্ষামূলকভাবে কাজ করবার জন্য বাংলাদেশের পাঁচনা জেলে কয়েদিদের রক্ষা করবার জন্য মশারির ব্যবস্থা করা হয়েছিল?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is the policy of the Government to allow division III prisoners lodged in jail in a malarial district to be first attacked with malaria and then to be supplied with mosquito nets?

The Hon'ble Khwaja Sir NAZIMUDDIN: Evidently mosquito curtain is not a protection, and that is obvious; otherwise so many people would not have been suffering from malaria.

Mr. ATUL CHANDRA KUMAR: Under what circumstances discretion is used by the Superintendent to accept mosquito nets from outside?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know, the question is the character of the prisoner, that is, how he has been behaving and whether there is accommodation in the jail.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble and Gallant Home Minister be pleased to tell the House whether all convicted prisoners in jails are subject to the same conditions in dormitories?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. ABDUR RAHMAN SIDDIQI: If that be so, does not the Hon'ble Minister feel that invidious distinction between one man using a mosquito net and the other not using any is likely to create indiscipline in a jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is certainly one of the points which the Superintendent takes into consideration before sanctioning it.

Reading and writing facilities enjoyed by division III prisoners.

31. Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

- (a) what facilities, if any, are allowed to division III prisoners in the matter of reading and writing;
- (b) whether division III prisoners are allowed any facilities for reading and writing during any time of the day; and
- (c) whether these prisoners are allowed to read and write, in the lock-up, after nightfall?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) The honourable member's attention is drawn to rule 654(1)-(5) and Appendix 31A of the Bengal Jail Code. The weekly *Banglar Katha* is also supplied for their use.

(c) Yes: but restricted lighting makes it impossible for all prisoners to read at the same time.

Mr. CHARU CHANDRA ROY: With reference to answer (c), namely, "Yes; but restricted lighting makes it impossible for all prisoners to read at the same time", does not the Hon'ble Minister think that this long period of twelve hours is the most tedious period for prisoners who can read and write if they are not permitted to do so for want of light?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as my personal opinion is concerned, I am inclined to agree with the hon'ble member, but as this has been the practice for a very long time and as prisoners have got to get up very early in the morning, I think from the point of view of health it is the best arrangement possible.

Mr. CHARU CHANDRA ROY: Sir, my point has not been answered. My question was that if prisoners being locked up before of with sunset are not permitted to read or write for want of light, their life at night becomes most tedious. None can sleep at 6 or 7. Will the Hon'ble Minister consider the desirability of supplying them light for reading and writing up to 10 or 11?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a question which can be argued from both sides. There may be people who want to go to sleep and who may object to a light in the room and there may be others who want to read and write perhaps up to 11 or 12 o'clock. But this is a question which I have discussed more than once and so far it has been found difficult to solve. Personally, my opinion is that perhaps for an hour light may be allowed.

Rai HARENDRA NATH CHAUDHURI: Why not two hours?

The Hon'ble Khwaja Sir NAZIMUDDIN: That will be too late. They get up at 4-30.

Shabu NARENDRA NARAYAN CHAKRABARTY: বানানীয় মন্ত্রী-মহাশয় কি জানেন যে, division III prisonerদের মধ্যে এমন সব উচ্চ শিক্ষিত ব্যক্তি আছেন যারা B.A. ; M.A. পাশ অথচ তাদের লেখা পড়া করার কোন ব্যবস্থা নেই ?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of making provision for sufficient light for division III prisoners who wish to do some reading and writing?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible. The question has got to be dealt with in connection with the accommodation that is available. In some places it may be possible to find such a ward where those who want to read and write may be allowed to put up, but in others there may not be such suitable rooms where you can put half a dozen or a dozen who want to read and write. It is not such an easy question. After all, all these questions ought to have been raised when we asked for suggestions about improvement in the Jail Rules and when we submitted our questionnaire.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is not a fact that facilities for reading and writing for division III prisoners have often been asked for and will he further be pleased to state what steps Government have so far taken in response to those requests for facilities to division III prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: We think that the facilities that are there are adequate.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble and Gallant Home Minister please tell us whether such arrangements have actually been made in Rajshahi prison and one or two other prisons also or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. The honourable member who has asked the question has been touring the jails and perhaps he is in a better position than I am about this.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble and Gallant Home Minister—

Mr. DEPUTY SPEAKER: You cannot use the expression "Gallant Minister".

Mr. ABDUR RAHMAN SIDDIQI: Sir Nazimuddin is now a Major and I think it is parliamentary etiquette to refer to a military gentlemen as "gallant". Sir, if you disallow it, I shall just call him "Hon'ble Minister". Is the Hon'ble Minister aware that at the foot of each convict's bed there is a slit in the wall and until light fails he can read and after that they also get common light. These are the three points on which I wanted to elicit information.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no further information to give.

Detention of certain persons as Security Prisoners.

33. Mr. PRATUL CHANDRA GANGULI: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Sreejuts Paresh Chandra Guha, Satyendra Mazumdar, Jatindra Chakravarty and Prabhat Mitra were arrested and convicted long before the present war and were given seven years' imprisonment in the Inter-Provincial Conspiracy Case, and were sent to Andamans for some time?

(b) Is it a fact that the abovementioned persons have finished their term of sentence in jail?

(c) Is it a fact—

(i) that the Government have passed orders that the said persons shall until further orders be detained from the date of expiry of the seven years' term of sentence; and

(ii) that they have been transferred from Dum Dum Jail to the Hijli Special Jail as security prisoners?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

(e) Are the Government considering the desirability of releasing the aforesaid four prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (c) Yes.

(d) Their continued custody is expedient as a security measure.

(e) No.

Mr. ATUL CHANDRA SEN: With reference to answer (d), will the Hon'ble Minister be pleased to state whether these persons during their seven years' life of imprisonment did anything to jeopardise the security of the State?

The Hon'ble Khwaja Sir NAZIMUDDIN: They could not do so while they were in jail. That is obvious.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister, in view of the answer which he has just now given, be pleased to state how could Government satisfy itself that these persons should be detained and unless they are detained they will commit offences?

The Hon'ble Khwaja Sir NAZIMUDDIN: From their past records.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether this decision has been arrived at on their past records prior to their incarceration?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the nature of the crime they have committed taken with their past records. Both these have influenced Government in making their decision.

Mr. SANTOSH KUMAR BASU: Does the Hon'ble Minister intend to convey that this decision has been arrived at in view of what took place seven years from now?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the honourable member must give a wrong impression if he thinks that it is due to the fact that because something was done seven years ago, Government is pursuing that man now, but it is because he belongs to an organisation and has acted all along as a member of that organisation and because the leading members of this organisation have been again put under restraint; naturally we have got to put under restraint the other important members who may be already in jail.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether he received any indication during these seven years that he would rejoin that organisation?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, nor have we received any indication that he has renounced or given up that organisation.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether he has heard of an expression of law which is "locus penitentia"?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister, who is the Home Minister of the Government of Bengal, be pleased to consider whether it is necessary to give a person after a long term of imprisonment what is called an opportunity for repentance?

The Hon'ble Khwaja Sir NAZIMUDDIN: In normal course, certainly so; but these are exceptional cases.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state what are the exceptions in the case of these persons to which he is referring?

The Hon'ble Khwaja Sir NAZIMUDDIN: It has been seen that as a rule when persons who have been detained for even 5 or 6 years are released, they always go back and take to their old activities, and as far as indications go these persons, we apprehend, will also do the same.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state how a person continues to be a member of an organisation although he is seven years in prison?

The Hon'ble Khwaja Sir NAZIMUDDIN: Their loyalty and allegiance to their organisation is not lost because they are in jail.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if the Government has any evidence that they still continue to be members of the same organisation though they were continuously in jail for seven years?

The Hon'ble Khwaja Sir NAZIMUDDIN: As they have not renounced their connection we assume that they are still members.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state how a person inside the jail can renounce his membership of an organisation of which he was a member 7 years ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: He can inform the Government.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether any attempt was made by him or his department to find out whether they have renounced their membership or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Excise shops in Rangpur.

35. Babu KSHETRA NATH SINGHA: (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(i) the number of—

- (1) *ganja* shops,
- (2) liquor shops, and
- (3) combined liquor and *ganja* shops

at present existing in the district of Rangpur;

- (ii) the number of vendors that are outsiders of the district; and
 (iii) the number of vendors that are—

- (1) Muslims,
- (2) Caste Hindus, and
- (3) Scheduled Castes?

(b) Do the Government contemplate to settle excise shops to the Scheduled Caste candidates of the district in future?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) (i) (1) 34, (2) 17 and (3) 28.

(ii) 64.

(iii) (1) 12.

(2) 64, including 30 persons belonging to the caste of "Kalwar" of Bihar, mostly akin to the "Surries" of Bengal, who are included in the list of Scheduled Castes of this Province. They were included in the list of Caste Hindus on their request.

(3) 3.

(b) Yes. Instructions had already been issued to give special consideration to the claims of the minority communities, where their number is disproportionately small.

Adjournment Motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Deputy Speaker, Sir, I gave notice of a very important adjournment motion to discuss the conduct of a Minister regarding tampering with official secrets. I understand that the Hon'ble Speaker has disallowed it. The adjournment motion runs thus: "This Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence—"

Mr. DEPUTY SPEAKER: Order, order, it cannot be read out.

Mr. SYED JALALUDDIN HASHEMY: May I know, Sir, why consent has been refused?

Mr. DEPUTY SPEAKER: What I understand is that the Speaker is not bound to give any reason whatsoever.

Mr. SYED JALALUDDIN HASHEMY: Sir, I rise on a point of order under Rule 13 of the Assembly Procedure Rules. May I know

whether a member of this House has a right to discuss the conduct of a Minister if he is found in his official capacity tampering with official secrets and selling information to outsiders with respect to matters absolutely confined to Government and absolutely confidential and relating to the fixation of the prices of raw jute and hessian? (Dr. NALINAKSHA SANYAL: Shame! shame!) (Babu NARENDRA NARAYAN CHAKRABARTY: Abominable charges.)

Mr. DEPUTY SPEAKER: The proper time when you can discuss it is at the time when you bring in a resolution of no-confidence. That would be the best opportunity for you.

Mr. SYED JALALUDDIN HASHEMY: Sir, I have tried to satisfy all the sections of Chapter VII of the Assembly Procedure Rules, *i.e.*, the rules regarding adjournment motions. To my knowledge and experience, Sir, I may be permitted to submit to you that I have satisfied every condition with regard to this motion and I have a right to know why this particular motion has been disallowed by the Hon'ble Speaker. Sir, you are now in office; you have taken the responsibility of the Speaker and I want to know from you why this particular motion has been disallowed by the Hon'ble Speaker.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir,—

(At this stage Dr. Nalinaksha Sanyal and Mr. Abdur Rahaman Siddiqi also wanted to rise on a point of order.)

Mr. DEPUTY SPEAKER: Let one member speak.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I beg to submit to you that under rule 96 of the Assembly Procedure Rules it is laid down that a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. Sir, it is true that before a motion could be brought before the House, the Speaker's consent is necessary. But, Sir, here I may point out that apart from the question of the matter being a proper one on which an adjournment motion can be moved, there is also the question of privilege of members and of the House concerned in this particular case.

Sir, certain vague allegations have been made about the complicity of a particular Minister in the underworld of commercial sharp practice in the most disgraceful and scandalous transactions. These allegations may be true, or they may not be true, but we, Sir, are not in a position to say this way or the other. But, Sir, these allegations having been

made, the position and prestige of Government is at stake. If this House connives at such serious allegations, the prestige of this House is at stake. Sir, it is absolutely incumbent on the Ministry and the House to see and ascertain the truth or otherwise of the allegations which have been made before a Court of law. This is a matter, Sir, which is entirely an urgent matter and of sufficient public importance and deserves to be brought before this House. If the allegations which are taken by the public as disclosures of facts are proved ultimately to be true, the consequences may easily be imagined. If untrue, the House has certainly got to do something to vindicate the position of that Minister. It is only in the fitness of things to do so and it is the only reasonable view that this House can take. It is, therefore, extraordinary that when a motion has been brought forward a motion which satisfies the ingredients for moving an adjournment motion, namely, something to be of recent occurrence—the disclosure is a recent occurrence—something to be urgent enough and of sufficient public importance and when all these conditions are proved as satisfied, it is extraordinary and amazing that consent should be withheld. An adverse inference is bound to be drawn from the withholding of consent. The House should do something to bring the matter to light; the House need not be afraid to bring to light the conduct of a member. If a member is proved to be of a shady character having complicity with shady transactions, that member does not deserve to be in this House. (Cries of "Hear! hear!" from the Congress benches.) Sir, when allegations have been made against a particular member, it is incumbent upon each and everyone of the members of the House, both of the Opposition and of the Coalition party, to vindicate the honour of that member. There is no room for concealment. Therefore, Sir, I urge this as a special point of privilege when vague allegations have been made against a member of this House who is adorning the Treasury benches and holding office. Sir, in such circumstances, you should consider and allow us to submit the adjournment motion afresh and to consider whether you, Sir, discharging today the functions of the Speaker, are prepared to give your consent to the adjournment motion or not. If in your judgment and discretion you think that you should refuse your consent, in that case an opportunity should be afforded to the House in order to raise a proper motion on a point of privilege of this House and to engage the attention of this House immediately and urgently.

(Mr. Abdur Rahman Siddiqi and Mr. Jogesh Chandra Gupta rose to speak.)

(Uproar in the House.)

MR. DEPUTY SPEAKER: Order, order. Mr. Niharendu Dutta Marumdar has said something, but there is, I feel, nothing to answer

to what he has said. I can say only this that Mr. Patel had ruled that no reason need be given nor can be asked. That is what Mr. Patel said. In this particular case whatever has happened, Mr. Speaker has not given his reasons. Therefore, according to rule 96, you cannot proceed. If you have got anything to say against what he has done, you have got plenty of other courses to take.

But surely you cannot go on discussing why he has not done. This is a very grave question. Everything must be ventilated here. I therefore say that it will be much better to wait till Mr. Speaker comes back, and then ask him what are the reasons. At present, what I suggest is that without wasting any time we may proceed with the business of the day.

Mr. JOGESH CHANDRA GUPTA: May I just put before you one aspect of the case which has not yet been put, namely, that in a court of law things are said touching the conduct of a colleague of ours in this House. It is incumbent on us to be posted with facts so that we can counteract any allegations that are being made which are not tenable against him. The Minister concerned is a member of this House and we can expect other members to stand up for him. Let us have an opportunity of knowing all the facts of the case so that each of us can stand up to him and defend him. I submit, Sir, from the point of view of the Minister concerned also a discussion will be helpful for the purpose of vindicating that member's reputation and the dignity of this House. I hope taking this view into consideration you will allow a discussion of this matter or at least call upon the Hon'ble Minister to make a statement which we can hear and then we can help the Hon'ble Minister outside this House. We are being asked by many persons about these things. For the last few days in the Bar Library and everywhere we are asked about these things. People have even started to think that we have entered into a conspiracy of silence in order to screen a colleague of ours in this House. Why should this unfortunate situation be allowed to continue? I hope you will consider that.

Mr. SANTOSH KUMAR BASU: Mr. Deputy Speaker—

Mr. ABDUR RAHMAN SIDDIQI: Mr. Deputy Speaker—

Mr. SANTOSH KUMAR BASU: Only one minute Sir.

Mr. DEPUTY SPEAKER: You will agree with me that when Mr. Speaker has given a decision, I cannot override it. How can I do that?

Mr. SANTOSH KUMAR BASU: What I was going to submit was this.

Mr. SASANKA SEKHAR SANYAL: Mr. Deputy Speaker—

Mr. DEPUTY SPEAKER: When the Deputy Leader of your party is on his legs, you should not also stand.

Mr. SASANKA SEKHAR SANYAL: I am sorry, Sir.

Mr. SANTOSH KUMAR BASU: You have invoked a great name in support of your view. You have cited President Patel in support of your view that consent once given by the Speaker need not be supported by any reasons. Sir, having listened to your suggestion to that effect, I thought that it was my duty to invite your attention to the wording of rule 98 and the clear implication thereof. President Patel gave his ruling with reference to the Rules obtaining in the Indian Legislative Assembly. So far as this Assembly is concerned, we are governed by the clear and express terms of rule 98. So far as that rule is concerned, it definitely gives every member of this House the inherent right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance which shall be subject to the following restrictions only. This rule in express terms has laid down that every member of the Assembly has got the right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance but the exercise of that right is subject only to these conditions and these conditions alone, namely, that not more than one such motion shall be made at the same sitting, that not more than one matter can be discussed on the same motion, and that the motion must be restricted to a specific matter of recent occurrence; that the motion must not revive discussion on a matter which has been discussed in the same session; that the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given and that the motion must not deal with a matter on which a resolution could not be moved. My right and the right of my colleagues to move an adjournment of the business of the Assembly is circumscribed and limited only by these five requirements which have got to be satisfied before an adjournment can be moved. (A voice: What about rule 96?) Now, Sir, rule 96 says that a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. That is with regard to the consent of the Speaker. But so far as the right of the member is concerned, that is hedged round and limited by only these five conditions or requirements and no other. If the Speaker

intends to deny me the opportunity of exercising that right, he has got to show within which limitation my adjournment motion comes. Rule 99 says, "The Secretary shall inform the member as early as possible whether the Speaker has given his consent or not." That right to deny consent has got to be exercised in view of what comes before in rule 98 and in refusing consent the Speaker, with great respect to him, I have to point out in vindication of my right and privilege as a member of this House, which privilege I can exercise under rule 98, has got to obey the rules as much as I have got to obey them. If he denies me the exercise of my right, if he rides roughshod over my rights and privileges, he has got to obey the rules which are as much binding upon him as upon me and show why his consent has been withheld and how I have offended against the provisions of rule 98. If that is not done, then the withholding of consent is against the rules and *ultra vires* and I, as a member of this House, have every right to question that ruling.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I think honourable gentlemen opposite are labouring under a terrible constitutional delusion. An adjournment motion is on a question of policy—

Dr. NALINAKSHA SANYAL: No, no.

Mr. ABDUR RAHMAN SIDDIQI: I hope members will show better manners than what we are witnessing.

Dr. NALINAKSHA SANYAL: Be mannerly first.

Mr. ABDUR RAHMAN SIDDIQI: If the conduct of a Minister is in question, the only method of questioning it is by way of a censure motion.

Dr. NALINAKSHA SANYAL: Read your law again.

Mr. ABDUR RAHMAN SIDDIQI: I most respectfully submit that the points raised before the House are so awkwardly put that they cannot come under the definition of an adjournment motion. If they want to question because—(Loud noise from the Opposition benches)—I hope I shall be allowed to explain—

Dr. NALINAKSHA SANYAL: I rise to a point of order, Sir. My point of order is—

Mr. ABDUR RAHMAN SIDDIQI: I hope you will allow me to explain—

Dr. NALINAKSHA SANYAL: Will you not allow me to raise my point of order, Sir?

Mr. DEPUTY SPEAKER: When a member is on his legs in connection with a point of order raised by him, you cannot rise on a second point of order unless the member who is in possession of the House gives way.

Dr. NALINAKSHA SANYAL: But my point is that if the honourable member is irrelevant in connection with his point of order, certainly I can bring it to your notice, Sir.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I am not in the secret of the Speaker, but I am absolutely certain that any sensible person who has studied the rules of parliamentary procedure will, without a moment's loss of time, come to the decision that the motion which is before the House as an adjournment motion does not come within the four corners of an adjournment motion. Let them, by all means, bring forward a no-confidence motion and if the Hon'ble Minister is found to be guilty, we shall see what punishment we should give him, but until then, Sir, to take improper advantage of a motion for adjournment, not allowed under the rules—(Mr. JOGESH CHANDRA GUPTA: Read the rules first)—is a seriously mistaken view the Opposition has taken of the law and rules of business of this Assembly.

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, Sir, I rise on a point of order, and I do so not only in my capacity as a private member of this House but the seriousness of the question raised demands that I should raise this point of order as the Leader of the Opposition. The point of order which I raise is this: Is it permissible for the Speaker or the Deputy Speaker or anyone who occupies the Chair in this House to refuse to give his consent capriciously or arbitrarily?—(Mr. FAZLUR RAHMAN: I submit this is a reflection on the Chair.)—I raise this point of order on a consideration of rules 96 to 101. It is true, Sir, as has been interjected more than once from the other side of the House that rule 96 speaks of the consent of the Speaker. But my submission to the Chair is this that reading rule 96 with the rules that follow up to rule 101, members of this House have a right to call upon the Speaker to give his consent as a matter of course if the adjournment motion complies with rules 97 to 101.

Sir, I raise this point of order in my capacity as the Leader of the Opposition because I feel that if I were to acquiesce in the decision which purports to have been given by the Speaker, I would be a party to an infringement of the rights and privileges of the House. To explain my point further, rule 97 lays down one condition which makes

an adjournment motion inadmissible, and that is, if the adjournment motion is in support of a matter which is not primarily the concern of the provincial Government. Is it the opinion of the Chair that the adjournment motion of which notice has been given by my honourable friend, Mr. Jalaluddin Hashemy, does not relate to a matter which is primarily the concern of the local Government? It is for the Chair to answer that.

Then, Sir, coming to rule 98, it lays down the conditions under which members have the right to move an adjournment motion. It is declared to be the right of a member—a right which cannot be taken away at the sweet will or caprice or arbitrary whims of the Speaker or Deputy Speaker or the Chairman as the case may be. Is it the opinion of the Chair that the adjournment motion of which notice has been given by Mr. Jalaluddin Hashemy infringes in any way rule 98 of the Assembly Procedure Rules? I am entitled to call upon the Chair for an answer. It is the right of every member of the House to call upon the Chair for an answer.

There is also the implication of rule 99 that consent is to be given as a matter of course if the adjournment motion does not infringe either rule 97 or rule 98.

Coming now to rule 100, that rule fortifies me in the contention I am raising before you. That rule says: "If the Speaker is of opinion that the matter proposed to be discussed is in order" - I say on the basis of that rule that if the adjournment motion is in order, then consent has to be given as a matter of course. It is true that the words that follow, are "and it has not been disallowed under these rules." But the words are "under these rules" and not at the caprice of the Speaker, or Deputy Speaker or the Chairman. That, to put it shortly, is my point of order. Is it permissible for the Speaker or Deputy Speaker or the Chairman who may preside over this House to refuse to give his consent to an adjournment motion even if it complies strictly with the rules beginning with rule 97 and ending with rule 101? The consent mentioned in rule 96, in my submission, is only required for the regulation of the business of the House. It does not mean that it is to be given or refused at the caprice or the whim or the arbitrary judgment of an individual, however highly placed he may be. It is because the question raised is a very serious question of procedure and it really infringes the rights and privileges of the members of this House that I raise this point of order. I do not propose to enter at this stage into the merits of the adjournment motion and I do not propose to do so for more reasons than one.

Mr. FAZLUR RAHMAN: Mr. Deputy Speaker, Sir, I rise on a point of order. In my opinion, Sir, Mr. Bose's point of order is no

point of order at all. Without entering into the merits of the question whether the contents of Mr. Hashemy's motion can be the subject-matter of an adjournment motion or not, I beg to draw your attention to rule 98 which says: "A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker."

Now, the question is whether consent of the Speaker has been given, and if the consent has not been given his motion cannot be discussed here. Whether the order to that effect has been arbitrary or not, is a matter for censuring the conduct of the Speaker——

Dr. NALINAKSHA SANYAL: No, no.

Mr. FAZLUR RAMAN: In that case I must disagree with my friend, Dr. Sanyal. Sir, no member of this House can discuss that question at all if the Speaker has refused to give his consent. I believe the Leader of the Opposition should have been well-advised not to raise his point of order which is no point of order at all.

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, I do not stand in need of any advice from Mr. Fazlur Rahman.

Mr. FAZLUR RAHMAN: I am sorry, Sir, the Opposition has in this way wasted the time of this House (Loud noise from the Opposition benches).

Mr. DEPUTY SPEAKER: The point is only this, whether the reason for which it was disallowed should have been stated. Up till now I have not seen the file. After I have taken my seat here I just came to know——

Dr. NALINAKSHA SANYAL: Sir, in that case, you better adjourn the business of the House. If you are not properly supplied with information then the only course for you would be to adjourn the House. Sir, that is the only fair course.

Mr. DEPUTY SPEAKER: In all fairness I must admit that before this Mr. Speaker used to give some of his reasons why he would not admit a particular motion, but I have got nothing from him now as to why the consent has not been given. If you want the reason why he has not given his consent, wait till he comes back. Unfortunately he is ill today. We shall waive the question of urgency.

Mr. SANTOSH KUMAR BASU: Sir, you are functioning for the Speaker and as such you are exactly in the same position as Mr. Speaker. What he can do, you also can do here and now. A Speaker's decision is not sacrosanct: the Deputy Speaker is as much a Speaker in his absence.

Mr. DEPUTY SPEAKER: Thank you very much for the honour that you have bestowed upon me. The question is this. If I have got to give the reasons, I should go through the file and see what it contains. Therefore, I say that when consent has not been given, it must be for very good reasons and on the face of that how can I, when consent has not been given, override the order and give you consent?

Mr. JOGESH CHANDRA CUPTA: Rectify the mistake, Sir.

Mr. DEPUTY SPEAKER: I cannot do it.

Mr. SANTOSH KUMAR BASU: If you cannot do that on the face of that order, kindly do it on the back of that order.

Mr. DEPUTY SPEAKER: You are very facetious. You have kept the whole House in good temper.

Mr. SURENDRA NATH BISWAS: Sir, if Mr. Speaker can revise his order now and then, could you not also do the same thing?

Mr. DEPUTY SPEAKER: We shall take it up tomorrow. We shall waive the question of urgency and we shall not object on that account.

Mr. SASANKA SEKHAR SANYAL: Sir, evidently you are suffering from an embarrassment. When the order was passed by the Speaker and when you are functioning here instead of him, I appeal to you to get out of this embarrassment. You feel courageous enough to be equal to the occasion and we look up to you, Sir, to create history in Bengal. If in your wisdom and judgment you feel that consent should be give as a matter of course, then I appeal to you, in the name of the dignity of the Chair, in the name of the boldness that you certainly possess, to allow the adjournment motion to be discussed and fix a time today for the discussion of the whole matter. Sir, let us create convention.

Mr. DEPUTY SPEAKER: This is not an appellate court.

Mr. SASANKA SEKHAR SANYAL: As if the order was passed by yourself, you can revise your own order.

Mr. JOGESH CHANDRA GUPTA: Sir, you have inherent jurisdiction.

Mr. NIHARENDU DUTTA MAZUMDAR: For the first time in this House a point of extraordinary importance has come up under extraordinary circumstances. Sir, today in this House when you occupy the Chair and have, therefore, got to discharge the functions of the Speaker, you are confronted with a very serious point. The Hon'ble Leader of the Opposition has raised a point of order in respect of the basis and the extent of the Speaker's discretion in allowing or disallowing a motion for adjournment. Sir, the Leader of the Opposition has pointed out before you that the rules 96 to 101 are all interconnected and have got to be read together. Taking these rules as a whole and in their bearing on rules 100 and 99, the question of giving consent or withholding consent has to be decided. Sir, it is a very serious point of order that has been raised. One honourable member on the other side of the House tried to shut us out by referring only to rule 96, but, Sir, that honourable member, in referring only to rule 96, seemed conveniently to forget the existence of rule 97, of rule 98, of rule 99, of rule 100 and of rule 101. It is for you now to give your ruling on the points raised by the Hon'ble Leader of the Opposition—on each and everyone of the points—so that you may arrive at the correct decision as to whether you should give consent or withhold consent. You should see whether rule 97 has been complied with, whether rule 98 has been complied with, whether rule 99 has been complied with and if you are of opinion that under the rules the adjournment motion satisfied all the conditions, then it is up to you to say that the adjournment motion infringes certain rules or offends against certain provisions of the rules and on that account you refuse to give your consent. If, however, you are of opinion that the adjournment motion does not infringe against any of these rules, then, Sir, it falls upon you to say that "although it does not infringe against any particular rule for the purpose of moving a motion of adjournment, viz., rules 97 to 101, even so at my own sweet will and caprice, so to say, I withhold my consent! It falls upon you to take up a position like that. Therefore I think that the question raised by the Hon'ble Leader of the Opposition is of unique importance. It relates to a question not only of a point of order but also of a point of privilege. If, Sir, you will agree with us in our contention that it is the right and privilege of a member of the House on a suitable matter to move an adjournment of the House, can you allow that right and that privilege to be toyed with, to be stifled and to be capriciously and arbitrarily dismissed? If you hold that it is a question of right and privilege of a member on a suitable point to move a motion of adjournment, then, Sir, your discretion to give consent or withhold consent must be fettered by well-considered rules of consideration to guide your discretion.

If you are prepared to go as far as to say that you will throw aside to the winds all rules regulating discretion, you will go on the basis only of whim and caprice, then and then only you can say that this right and privilege of a member to move an adjournment motion does not exist. If the Speaker refused to give his consent and if, on the other hand, you are of opinion that the point of right and privilege of a member on a suitable matter to move a motion of adjournment, which we claim, has been made out, then a momentous responsibility falls on you. It is up to you to give your ruling which will make the history of parliamentary procedure in this country. You will be laying down a ruling not only for the guidance of business of this House, but that ruling will be looked up to by every Speaker and by every custodian of parliamentary rights and privileges all over India. Today I submit to you with all humility that it is an epoch-making point that has been raised by the Hon'ble Leader of the Opposition and you, Sir, will be giving an epoch-making decision on this point. It will be looked up to all over India by all respectors of parliamentary and constitutional rights, privileges and liberty. If that decision does not conform to this right, does not conform to this consideration, then you will have to take your responsibility and say that this right and privilege of members to move an adjournment of the House is rendered a nullity.

This is the responsibility that falls on you. To-day, Sir, if you consider that on a matter of grave urgency, on a matter of grave public importance, this question of point of order has come up, I submit in all humility that no other business can be taken up before you have been pleased to give your ruling. This is a matter of very great urgency, and it is up to you to give the ruling with the least possible delay, with the greatest promptitude. If for that purpose it becomes necessary for you to adjourn the House for a little while, if you want to take the Leaders of different groups in this House into confidence, or if you want to consult the Hon'ble Speaker, you will be perfectly entitled to do so and I submit, Sir, that is the only reasonable course. If you think that you will be justified in dismissing the point of order raised by the Leader of Opposition right here and now, you may quickly give your ruling. But I submit in all humility that it will be proper to discard arbitrary Nazi methods once and for all. Sir, you can ask the honourable representatives of all the groups to come to your chamber and give their opinion. You can send the point quickly to the Speaker who for some unfortunate reasons happens to be absent today and then finally give your considered ruling and thus dispose of this matter once and for all. Now that the point has come up on a most momentous occasion, on an occasion which involves not only the prestige and fair name of the House, but also the prestige of the Ministry, and of the enterprising Minister who has got the largest number of portfolios, it is necessary that the conduct of that hardworking Minister and his prestige should be looked into and a

proper ruling should also be given. Now, Sir, I submit in all humility that after you have done all that is necessary in your judgment and after giving a proper ruling on this point, you can take up the rest of the business. The ruling on this point cannot be delayed.

Dr. NALINAKSHA SANYAL: I rise to add only one or two words in support of this point of order. I submit that this question involves not merely one issue, but issues more than one. An esteemed member of the Coalition Party who was at one time a reputed scholar of Aligarh and who presumed to know something about Parliamentary practice, because in England he perhaps saw the House of Commons, gave us a harangue on the circumstances under which adjournment motions are to be moved. I fail to understand from which book on constitutional law he has picked this glorious knowledge. Sir, I submit that adjournment motions are moved in democratic parliaments for purposes more than one and one important purpose for which an adjournment motion is moved is to keep the Government of the day under constant watch about their activities from time to time. It is not merely on broad questions of policy that adjournment motions are moved. As a matter of fact, questions of policy may and often are taken up during debates specifically meant for taking up such questions of policy as for example the recent India debate and so on. Whereas adjournment motions are impromptu motions with a view to bring to public examination of such questions which get revealed in the course of work of the Government and which come to light either in the course of the previous day or in a short time before the sittings of the House. What ordinarily happens is that in other Governments, in the Government of Great Britain, in the House of Commons, the Mother of Parliaments, for an offence of much smaller magnitude than this, an adjournment motion would have been moved. Sir, only the other day one member of the Parliament—

The Hon'ble Khwaja Sir NAZIMUDDIN: Is the hon'ble member in order in going on in this way?

Mr. DEPUTY SPEAKER: I think it will be quite all right if you just listen to me for two minutes. I want to make my point clear. I tell you that Mr. Speaker used to give his reasons to a certain extent just to satisfy you. Now he has sent his file, but he has not given any reasons. If you want to hear the reasons why can't you wait a day—

Mr. KIRAN SANKAR ROY: This is an emergent matter.

Mr. DEPUTY SPEAKER: If you ask me to go through the whole thing you will have to wait for two hours, or one hour or half an hour. Therefore I say what is the harm if you just go on with the work of the House and then hear the reasons later on?

Dr. NALINAKSHA SANYAL: In that case the urgency of the matter may not remain.

Mr. DEPUTY SPEAKER: We shall waive the objection. Whatever ruling I have given, if I have got to revise it I will do that. This will give me time and Mr. Speaker will come and give a comprehensive ruling. If I am wrong, I will revise my ruling; there is no harm in it—

Dr. NALINAKSHA SANYAL: I just want to refer to the arguments of Mr. Siddiqi.

Mr. DEPUTY SPEAKER: I don't attach, as Deputy Speaker, any value to his arguments.

— (Cries of "Hear! hear!" from the Congress Benches.)

Dr. NALINAKSHA SANYAL: Sir, I was in possession of the House when you wanted to speak and out of deference to you I yielded; and now, I have to open my arguments again. The adjournment motion—

The Hon'ble Khwaja Sir NAZIMUDDIN: You cannot go on like this?

Dr. NALINAKSHA SANYAL: I may yield to you, Sir, Mr. Deputy Speaker, but I am not going to yield to Sir Nazimuddin. (Uproar.)

I am sure Mr. A. R. Siddiqi, in his sober moment, will change his views as he has often been seen to do.

I submit that on the floor of this House serious allegations were made in the past about certain Ministers, and regarding the dealings of Mr. Ispahani also. We all know Mr. Ispahani has got through the Industries Department a contract for distribution of dyes..... (Uproar.)

Mr. DEPUTY SPEAKER: I won't allow you to go on saying like that.

Dr. NALINAKSHA SANYAL: Mr. Ispahani is provoking me, Sir. He is sharing the booty and therefore he is becoming nervous. On the floor of the House we brought a charge of shady transactions like this one disclosed in the courts by a Minister of Government and, Sir, even the Leader of the European Party was constrained at that time to say that he also had heard—

Mr. DEPUTY SPEAKER: If you want to speak you must say what is relevant; otherwise don't go on in this way.

Dr. NALINAKSHA SANYAL: I mentioned the transactions of Messrs. Ispahani and Company only because Mr. Ispahani provoked me; otherwise I would not have done so.

I submit, Sir, here on the floor of the House allegations were made about the conduct of the Hon'ble Mr. Suhrawardy. At that time he was loud enough in saying that all these were absurd nonsense. Now, I find that serious disclosures are coming out in the High Court—not in a mofussil court, Sir, but in the High Court of Judicature in Bengal.

Mr. DEPUTY SPEAKER: Order, order. As I have told you before, you must confine yourself to the point under discussion. You are now discussing about the High Court, the mofussil court and other things.

Dr. NALINAKSHA SANYAL: Sir, I stand corrected. (Cries of "Sit down" from the Coalition Benches.)

Mr. DEPUTY SPEAKER: You please hear—

Dr. NALINAKSHA SANYAL: We shall hear the last word from the Hon'ble Sir Nazimuddin or the Hon'ble the Chief Minister. They are after all the colleagues of the Hon'ble Mr. Suhrawardy, and we do not know whether they have got any share in this business.

Mr. M. A. H. ISPAHANI: I seek your protection, Sir—

Dr. NALINAKSHA SANYAL: Mr. Isphani is again nervous. I shall not mention the other questionable methods by which he is making money through Government support.

Mr. DEPUTY SPEAKER: The House stands adjourned till 7 p.m. (The House was adjourned till 7 p.m.).

(After adjournment.)

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir, further to my submission on the question of admissibility and on the consent of the Hon'ble the Speaker, or, rather, the refusal to give his consent to the motion of my esteemed friend, Mr. Jalaluddin Hashemy, may I draw your attention to rule 95 of the Assembly Procedure Rules, which relates to special motions. Sir, members of this House can take

up urgent matters of public importance in several ways. In the first place we can, only with the consent of the Minister concerned as well as of the Speaker, bring up special motions when the motion is of such importance that the Speaker and the Minister concerned would agree to give their respective consents. But, Sir, a special motion is not of the nature of censuring the Government nor a motion for criticizing any action of the Government. Necessarily, it may relate, as it did in the case of the motion on the revision of the Otto Niemeyer Award, to a matter of great public importance and yet may not reflect on the actual administration of the Ministry. But, Sir, in the case of motions where the Opposition desire to take up a question of the nature of the one proposed to be discussed by my esteemed friend, Mr. Jalaluddin Hashemy, the motion specifically has the object of exposing some of the activities of the Governmental machinery or of the Ministers of the Government. Here the House could possibly get ~~some~~ opportunity of a debate of such a character if the Government in their own wisdom would have come forward with a statement—a statement that the Hon'ble Minister concerned would think it necessary for him to give to clear up misunderstandings, if any, and to expiate his sin. On such a statement alone we could have gone on with a debate. But, Sir, the practice in our so-called Parliament has been very unfortunate. Whenever such important matters are brought to light in any other democratic parliament, it is recognised as the incumbent duty of the Cabinet there to come forward with a statement on their own motion. In the recent case of Mr. J. H. Thomas, as you might remember, Sir, a special Commission of Enquiry was constituted at the instance of the House, and Parliamentary practice demands that if honesty and proper functioning of a democratic constitution is to be expected, then, Sir, as they had done in the House of Commons, the Leader of the House ought to have come forward with a proposal for such a Committee of Enquiry —

Mr. SANTOSH KUMAR BASU: But that is the Mother of Parliaments, and this is a step-motherly Parliament.

Dr. NALINAKSHA SANYAL:—and ought to have given an opportunity to different party members through their respective leaders put on the Committee of Enquiry to put forth their points of view. Then, ~~after~~ having gone into all the possible facts of the case the Leader of the House would come forward with a definite statement either declaring the innocence of the person concerned or otherwise—

Mr. DEPUTY SPEAKER: May I know what you are talking about?

Dr. NALINAKSHA SANYAL: I am only talking on the question of admissibility of and consent to the motion.

Mr. DEPUTY SPEAKER: You know that consent has not been given, and you cannot question why consent has not been given.

Dr. NALINAKSHA SANYAL: I am not arguing, Sir, against the fact of not giving the consent, but I am arguing against the case of withdrawal of consent which the Hon'ble the Speaker has chosen to do in this case. I am not questioning the right of the Speaker, as has been very definitely and carefully exposed by the Leader of the Opposition, but, I would only submit, Sir, what I feel, in addition to the points urged by my esteemed friend, Mr. Niharendu Dutta Majumdar, and also by Mr. Sarat Chandra Bose, an eminent jurist, better than whom you could not have in this House, on the question of Parliamentary practice.

My submission is on the question as to how and why the Speaker ought to have considered these points when he withheld his consent—

Mr. DEPUTY SPEAKER: Order, order. He must have withheld his consent on very important and proper grounds.

Dr. NALINAKSHA SANYAL: What are they? We want to know what those grounds are.

Mr. DEPUTY SPEAKER: Yes, I am going to deal with those grounds. Therefore, the only point on which we are debating is that we have not heard what those grounds are.

Dr. NALINAKSHA SANYAL: That is the only ground on which we are fighting, Sir.

I presume that during the interval you had an occasion to go through the papers and to acquaint yourself sufficiently with the rules of Parliamentary practice and procedure. Now, Sir, while sitting in that Chair, you have the sole right and authority, so long as you are there, to even refuse to accept that decision. Therefore, Sir, before you like to give your final decision on the matter, it is only right and fair on our part that we should bring to your notice such of the further arguments that we want to place before you so that you may be in possession of all the facts relevant to the point at issue. If you give your decision now, you may lose the opportunity of having all the different aspects of the case before you.

Mr. DEPUTY SPEAKER: When the case was put up before Mr. Speaker, nothing was said as has been done here just now, and he has withheld his consent for reasons best known to him. But I have given a long and patient hearing to all that you have got to say and, therefore, if you want to have my decision I can make it here and now.

Dr. NALINAKSHA SANYAL: Sir, my submission is that we do not want you to be left in the dark. We do appreciate, Sir, your anxiety to give your decision and we also know that you will do justice and that you will give your decision only after you have acquainted yourself with the full facts.

Mr. DEPUTY SPEAKER: No, you cannot have it at this moment.

Mr. SYED JALALUDDIN HASHEMY: Mr. Deputy Speaker, Sir, I rise on a point of order. I mention rule 13 of the Rules of Business—

Mr. DEPUTY SPEAKER: Order, order. There can be no point of order now.

Mr. SYED JALALUDDIN HASHEMY: Rule 13 says clearly that any member may at any time submit a point of order for the decision of the Speaker.

Mr. DEPUTY SPEAKER: What is your point of order?

Mr. SYED JALALUDDIN HASHEMY: My point of order is this. I will not be irrelevant and I will not repeat others' arguments. I will refer to section 102 of the Assembly Procedure Rules. My friend suggested to give notice of no-confidence against that particular Minister regarding whom we are discussing. Sir, section 102 clearly says, "A motion expressing want of confidence in the Council of Ministers or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect may be made subject to the following restrictions." My point of order is this, whether in disapproving or in condemning the acts of a particular Minister this section 102 can be applied or not. Here, Sir, during the last no-confidence motion it was maintained that if we want to express want of confidence in a particular Minister we will have to do it on the whole Cabinet. My submission is that we have no grievance against the Chief Minister; we have no grievance against other Ministers. We have grievance against the Finance Minister alone. Here the Chief Minister has formed his Cabinet. He is responsible for the entire

Cabinet and we have no grievance against him. Therefore, Sir, you are to give a ruling whether we can take help of section 102 of the Assembly Procedure Rules to move against that particular Minister. I mean the Finance Minister, who is charged, who is going to be impeached by this House very soon. Will you give us an opportunity to bring before this House the conduct of that particular Minister?

Sir, apart from the question of these rules and the constitution, we are here to seek your protection whether this House has an inherent right to discuss the conduct of a particular Minister who is taking shelter in a brothel and selling secret Government information. Sir, we want your protection. You need not wait for the Speaker. You are Speaker today. We have every respect for the Chair and we will obey your order.

MR. DEPUTY SPEAKER: If you come to my chamber I shall be very pleased to discuss the matter.

DR. NALINAKSHA SANYAL: This is a matter of public importance and this should be discussed in the open House.

MR. DEPUTY SPEAKER: During this interval I had an opportunity to go through the matter—

DR. NALINAKSHA SANYAL: If you are going to give a ruling on the point of order of my friend, then it is all right, but if you are discussing about the admissibility or the consent of the Speaker, then may I submit, Sir, I have not finished my submission in this connection?

MR. DEPUTY SPEAKER: If you have not finished then you will never finish.

DR. NALINAKSHA SANYAL: I do not want to question your ruling. I am only submitting for your consideration before you come to a decision that if you give your ruling then we shall be helpless.

MR. DEPUTY SPEAKER: You cannot do it now.

DR. NALINAKSHA SANYAL: Sir, may I humbly submit that before you give your ruling—

MR. DEPUTY SPEAKER: Order, order. I do not know what the Speaker's reason was, but what little I have found out I have found this thing—

Dr. NALINAKSHA SANYAL: We want to finish, Sir. In Part IV relating to motions—

Mr. DEPUTY SPEAKER: Dr. Sanyal, you are obstructing the proceedings of the House.

Dr. NALINAKSHA SANYAL: No, Sir. I am not.

Mr. DEPUTY SPEAKER: I say you are obstructing the proceedings of the House.

Dr. NALINAKSHA SANYAL: I shall keep quiet if you say like that.

Mr. DEPUTY SPEAKER: My reason is this—

Dr. NALINAKSHA SANYAL: With all humility I submit without the slightest intention of obstructing the proceedings of the House—

Mr. DEPUTY SPEAKER: Will you please sit down? If you do not, I shall have to take extreme measures against you.

Mr. SASANKA SEKHAR SANYAL: Mr. Deputy Speaker, Sir, may I have half a minute? With folded hands and with all humility I appeal to the Chair not to be swayed by the passions which are prevailing elsewhere. Sir, we may be carried away by heat, we may be carried away by impulses, but we look up to the Chair to maintain the even balance, the even tenor of the House. Sir, parties will dwindle into nothing. This House will give place to probably a better House, but the tradition that is created by the Chair will help us as the torch. I appeal to you, Sir, as the custodian of this House, to allow us to place our viewpoints before you come to a final decision. We shall bow down to your decision whatever that may be, because we are trained in a tradition of the maximum respect to the Chair; but before we are called upon to do so, before we are tied down to the decision of the Chair, we appeal with folded hands to allow us an opportunity to place our viewpoints at least to the extent that we consider to be of some value.

Mr. Deputy Speaker, Sir, our revered friend Mr. Jalaluddin Hashemy has raised a very important point. This is not an *ex parte* point. It is a point which is a rejoinder to the very precious point that was raised by no less a member than Mr. Abdur Rahman Siddiqi, who is one of the limelights of the Coalition Party, and our esteemed friend has raised a very pertinent point and this matter should be given a full, free and frank discussion before you come to a final decision. Mr. Deputy Speaker, you realise much of the trouble and

the heat might have been avoided if the withholding of the consent did take place in the presence of the House, but since the order was passed by Mr. Speaker in his wisdom before the House was taken into confidence we had not the advantage and opportunity of placing our viewpoints. Therefore, we have got to carry on an uphill argument against his order. I hope you will not repeat that thing—I will not say it is a mistake—still you will not repeat that unfortunate order, and much trouble would be avoided if in your wisdom and generosity you allow members of the House to carry on the controversial points consistently with the importance of the matter raised and consistently with the dignity and decorum of the House. Sir, we do not like to stand in the way of the Chair coming to any decision, be he the Speaker or the Deputy Speaker or an hon'ble member occupying the Chair for the time being, but, Sir, as a custodian of the privileges of the House we appeal to you not merely to look into what we have got to submit but to allow the House to have its own viewpoint expressed and to be listened to. We as members have a duty — ourselves and to our constituency; you have a duty to the House. Sir, you were pleased to quote Mr. Patel. I should go further enough and say that if Mr. Patel is quoted today, I expect the Deputy Speaker of this House will be quoted tomorrow, and in that spirit I am looking up to you as a custodian to help yourself and to help the members of the House.

Dr. NALINAKSHA SANYAL: Sir, I want to draw your attention to the whole structure of the ruling—

(Uproar in the House.)

Mr. DEPUTY SPEAKER: Order, order. I can't allow that.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি আপনার কাছে একটা কথা বলতে চাই। এক second এর জন্য আমার সময় দিন। আপনি আজ—

Mr. DEPUTY SPEAKER: No, no.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি আপনার কাছে করজোড়ে নিবেদন করছি আপনি বাদালীর মধ্যস্থতা বন্ধ করুন। আপনি বাদালী-ভাষিক লোকচক্রে হয়ে হতে দেবেন না।

Mr. DEPUTY SPEAKER: This question is closed. I will not allow that. (Babu Narendra Narayan Chakrabarty continued speaking while Mr. Deputy Speaker was speaking.) Mr. Chakrabarty, under rule 16 of the Assembly Procedure Rules, I hold that you are obstructing the proceedings of the House and I ask you to withdraw.

Babu NARENDRA NARAYAN CHAKRABARTY: আপনি কি আমাকে উদ্দেশ্য করে বলছেন ?

Mr. DEPUTY SPEAKER: Yes.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি সাগুনকে নিবেদন করছি, আপনার আদেশ পালন করতে আমি সম্পূর্ণ অক্ষম।

Dr. NALINAKSHA SANYAL: Sir, if you will kindly look to rule 38(1), you will notice that it lays down certain specific directions by which alone the admissibility of a motion can be determined. The Speaker may disallow any motion when in his opinion it does not comply with these rules—

Mr. DEPUTY SPEAKER: Order, order. Dr. Sanyal, you are still murmuring for the reasons—

Dr. NALINAKSHA SANYAL: Sir, let me finish my observations.

Mr. DEPUTY SPEAKER: No, I cannot allow that.

Dr. NALINAKSHA SANYAL: Sir, we know that you have got your ruling written by somebody else. We are not going to take that as your own decision. I am not going to have anything from you, Sir, because you are not giving your own decision. If you have got the ruling written by somebody else, it is all the more reason why we should strongly protest against that.

Mr. DEPUTY SPEAKER: Dr. Sanyal, you want me to give my ruling and I want you to listen to it, but you do not listen to me. Therefore, I say that you are obstructing the proceedings of the House—

Dr. NALINAKSHA SANYAL: Sir, it is farthest from my mind to obstruct the proceedings, but, Sir, I am helpless.

Mr. DEPUTY SPEAKER: I, too, am helpless. In accordance with rule 16 of the Assembly Procedure Rules, I hold that you Dr. Nalinaksha Sanyal are obstructing the proceedings of the House and I ask you kindly to withdraw.

Dr. NALINAKSHA SANYAL: So far as I am concerned, Sir, I cannot allow you to be a party to any injustice and in all humility to

you, Sir, and respect to the Chair, I expect you to withdraw the expulsion order. I shall not obey that order for the time being to enable you to revise your decision.

Mr. SYED JALALUDDIN HASHEMY: Sir, under rule 14 of the Assembly Procedure Rules it is laid down: "Notwithstanding anything contained in these rules, a member may, with the permission of the Speaker, make a personal explanation at any time,—" Sir,—

The Hon'ble Mr. A. K. FAZLUL HUQ: May I rise on a point of order, Sir? Sir, I had no intention of saying anything after what I had witnessed in this House, and may I say with great regret, to the disgrace of ourselves, and of this Assembly, and of everyone in this House who wants to maintain the honour and dignity of the House in conducting the proceedings within these walls. I say nothing as to what has been done by this party or that party, by this individual member or that individual member, nor do I wish to say anything as regards the wisdom, propriety and reasonableness or the justification of the order that was passed by the Speaker and which you, Sir, have been trying to uphold in this House. But what has happened during the last few minutes makes the situation an intolerable one. Whether you are justified or not, you have passed an order that two members of this House should withdraw from this House. That order has not been obeyed. I respectfully request you therefore to adjourn the proceedings of the House in order that we may consider whether the rules allow any power in the Speaker to allow the proceedings of the House to be conducted in a normal fashion. Otherwise, Sir, it is no use having an Assembly if it is open to members, by creating scenes which ought not to be created, to obstruct not merely the business of the House but also the normal proceedings which ought to take place without any interruption. I therefore submit, Sir, that the House should be adjourned now. I hope that a calmer atmosphere will prevail to-morrow and we shall then consider what are our powers and what are your powers and come to a decision. At the present moment it is no use sitting in this House because the same thing will be repeated and scenes will be created. I, therefore, suggest that the House should be adjourned.

Mr. DEPUTY SPEAKER: After this I would request the Leader of the Opposition Mr. Sarat Chandra Bose to express his opinion.

Dr. NALINAKSHA SANYAL: Before the Leader of the Opposition speaks—(Great uproar. Cries of "No, no" from the Coalition benches) I want to submit on a point of personal explanation.

Mr. DEPUTY SPEAKER: No, I have already asked Mr. Sarat Chandra Bose to speak.

Dr. NALINAKSHA SANYAL: May I not be allowed to put in my personal explanation on the observations made by,—

Mr. DEPUTY SPEAKER: No.

Mr. SARAT CHANDRA BOSE: I am in entire agreement with what fell from the Leader of the House in the matter of adjournment. I may add having regard to the importance of the matter raised I expressed myself more than an hour ago in favour of an adjournment so that the important question of procedure raised by us might be considered by you and also by the House in a calm atmosphere. I shall not add more because I have had my say on the question of procedure. But as regards the adjournment of the House, I am entirely at one with the Hon'ble the Leader of the House.

Mr. DEPUTY SPEAKER: Mr. Bose, I want to say to you one thing. As regards the question that we have been discussing, if the answer is given to-morrow, will that satisfy you?

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, I would certainly suggest that the answer to the question raised having regard to what has happened should not be given tonight but that you and the Speaker should have further time to consider the matter and give the answer either to-morrow or the day after.

Mr. DEPUTY SPEAKER: Would it not be better—here I appeal to you Mr. Bose as a Leader of a party and I also appeal to other leaders of various groups including the Leader of the European Group—if we go on with the work of the day, viz., Calcutta Municipal Amendment Bill and finish as much as we can?

Mr. SHAMSUDDIN AHMED: There are only about 15 minutes left. The Leader of the House has expressed his approval of the adjournment of the House immediately. The atmosphere will never be calm and I would, therefore, suggest that the House be adjourned immediately.

Mr. DEPUTY SPEAKER: I do not think that there is any one objecting to that. I, therefore, adjourn the House till 4-45 p.m.

to-morrow. But there is one other matter. As regards publishing the debate of to-day I would ask the Press not to publish the proceedings about the adjournment motion.

Dr. NALINAKSHA SANYAL: It is impossible; you have no power under the rules.

Mr. JOGESH CHANDRA GUPTA: That cannot be done.

Adjournment.

The House was adjourned at 7-50 p.m. till 4-45 p.m. on Tuesday, the 5th August, 1941, at the Assembly House, Calcutta.

**Proceedings of the Bengal Legislative Assembly assembled
under the Provisions of the Government of India Act, 1935.**

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 5th August, 1941, at 5 p.m.

Present:

Mr. Deputy Speaker (Mr. M. ASHRAFALI, Barrister-at-Law) in the Chair, 7 Hon'ble Ministers and 204 members.

Dilatoriness in answering questions.

Mr. CHARU CHANDRA ROY: Mr. Deputy Speaker, Sir, before you take up to-day's questions, I beg to draw your attention to the fact that we, the members of this House, are each entitled to ask 12 questions, and we are altogether 250 in number. Supposing that out of them 150 members send in notices of questions, there must be a large number of questions. If this is the rate of answering the questions, both starred and unstarred, there will be many questions which will either not be disposed of or will be hurriedly replied to at the end of the session. I therefore appeal to you to look into the matter.

Mr. DEPUTY SPEAKER: We will see to that, Mr. Roy. Would you please come to my chamber later on?

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Tinplate Workers Co-operative Society Limited, Dinajpur.

38. Mr. NISHITHA NATH KUNDU: (a) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

- (i) that a "Tinplate Workers Co-operative Society Limited" was started at Dinajpur with the financial backing and under the supervision of the "Central Co-operative Bank Limited" at Dinajpur;
- (ii) that the said "Tinplate Workers Co-operative Society Limited" has gone into liquidation about the year 1935 or so; and
- (iii) that the Inspector in charge of Dinajpur Co-operative Department was the liquidator of the said Society?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what step has so far been taken to liquidate the liabilities of the Society?

(c) Will the Hon'ble Minister be pleased to state whether any step has been taken to realise the reserved liabilities of the share-holders and directors to meet the liabilities of the Society, if not, why not?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) Yes.

(b) (i) Collection of bills.

(ii) Sale of stock.

(iii) Recovery of advances.

(c) No, pending realisation of the personal liabilities of the ex-Manager.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what are the amounts that have been realised by the collection of bills, sale of stock and recovery of advances?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The sum collected so far is Rs. 359.

Mr. NISHITHA NATH KUNDU: What is the total amount of liabilities of the Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I have not got the figure with me, but so far as I can remember, the Board of Directors found the liability at about Rs. 2,418 by this Society to the Central Bank.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps have been taken to realise that amount of liability?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The liquidator has been advised to attach the personal property of the Manager and bring it to sale.

Mr. NISHITHA NATH KUNDU: When was that advice given to him?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I have not got the date with me, but it was some time after the Manager came out of detention camp.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the reasons for the delay in taking steps to meet the liabilities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As the Manager was in detention, no steps could be taken against him earlier.

Mr. NISHITHA NATH KUNDU: When did the Manager come out of the detention camp?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what proportion of the bills has so far been collected, what proportion of the stock sold, and what amount of the advances has already been recovered?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as parts one and two of the question are concerned, I ask for notice; so far as the third part of the question is concerned, Rs. 359 has been so far recovered.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if there is still any stock left to the Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is perhaps the idea.

Advantages and privileges for security prisoners.

37. Mr. CHARU CHANDRA ROY: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any advantages and privileges have been given to the security prisoners as a result of the conference held between the Hon'ble Minister and certain members of the Opposition at the time of withdrawal of hunger-strike by the said prisoners?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what are those?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The honourable member is referred to the communiqué, dated the 26th July, 1941, a copy of which is laid on the Library table.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state what is the rate of the dietary allowance for each security prisoner per diem?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe 9 or 9½ annas which comes to Rs. 18 per month.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the same rate of dietary allowance is allowed for the convicted prisoners and the security prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, but only with this exception that in the case of the security prisoners they can accumulate it and use it as they like. In the case of the convicted prisoners they get the scale of diet, whereas as far as the security prisoners are concerned they can buy anything they like up to the amount they are sanctioned.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is the intention of Government that the security prisoners should not use the whole of 9 annas a day and lay aside a portion of it?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, that is not the intention.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government will consider the advisability of allowing better charges to the security prisoners who are in special circumstances and are detained without any trial and not to be treated at par with convicted prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Government have gone very carefully into this question, and they have come to the conclusion that the amount allowed is more than sufficient, and the reasons are that it works out at Rs. 18 per head, and an average family in Bengal, whichever community it may belong to, with six persons, hardly spends about Rs. 108 entirely on food. On that basis this allowance cannot be considered anything but satisfactory.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether they are allowed special grants for the purchase of books and other requirements for their intellectual needs?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a separate question. I would refer the honourable member to the relevant rules.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state, if he is aware, what percentage of this 9 annas and 6 pies a day goes to the contractors?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, I would again point out that the exact figure for a family of six members, on the basis of Rs. 18 per head, would come to Rs. 108. That is to say that an average family in Bengal hardly ever spends Rs. 108 exclusively on food. To do that a family in Bengal must have an income of Rs. 250 to Rs. 300 a month. Therefore, we maintain that Rs. 18 per head per month is a satisfactory allowance. Allowing for the fact that Hijli is more expensive than some of the places in Eastern Bengal, at least 10 or 20 per cent. may be deducted, but even then the amount comes to 80 to 90 rupees per family which again I maintain is more than sufficient for an average family, or rather that is the amount which an average Bengali family spends on food in Bengal.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether since we met in the Writers' Buildings in January last prices have not gone up enormously, particularly the price of rice, and has that been taken into consideration in fixing the allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, I made deductions for all these, and I deducted 20 per cent. for all these, and even then it comes to Rs. 80 or Rs. 90 per month for an average Bengali family and on that basis and calculation, I maintain that the allowance that has been given is not unfair.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় জানেন কি যে সমস্ত Security Prisoners দণ্ডিত হয়ে জেলে এসেছে এবং বাস করছে তাদের খোরাকি বাবদ সাড়ে নয় আনা পরসার বদলে যে সমস্ত জিনিষ দেওয়া হয় তার মূল্য ছয় আনার বেশী হয় না ?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the honourable member has not read the new and revised rules. Under those rules, they can order what they like. They have got the contractor, and they can order their food accordingly. They are not treated on the same basis as convicted prisoners. In a jail for convicted prisoners there are cases where a man does not get up to 9 annas, but in the case of security prisoners the same does not apply as they are entitled to order anything they like.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মহী-
মহাশয় জ্ঞাত আছেন কি যে হিন্দু Prisonersদের একাদশীর দিন জিনিষের বদলে যে
খাবার কিনে দেওয়া হয় তার দাম ছয় আনার বেশী নয় ?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that this
does not arise out of this question. I am answering only about
security prisoners and not as to what is the dietary allowance about
convicted prisoners.

Babu NARENDRA NARAYAN CHAKRABARTY: আগেই বলেছি
আমি Security Prisonersদের সম্বন্ধে বলছি। এই থ্রুসে যে সমস্ত Security Prisoner
অন্য ধারামতে দণ্ডিত হয়ে জেলে বাস করছে এই রকম বহু Prisoners আছেন, যেমন আমি
নিজে ছিলাম ; আমি তাদের কথাই বলছি।

The Hon'ble Khwaja Sir NAZIMUDDIN: I again submit that as
far as the security prisoners who have been detained under certain
rules of the Defence of India Act are concerned, they are not detained
in any jail, but they are concentrated at one place in Hijli and in
their case, no differentiation is made and these rules apply to them.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be
pleased to state whether he is aware that milk and milk-made articles
are very rare and dear in Hijli and considering the prices of milk and
milk-made articles and also the prices of rice and other things, will
Government kindly review their decision and increase the rate of
dietary allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that
really there is any case for an increase of the dietary allowance.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মহী-
মহাশয় অবগত আছেন কি যে তাদের ১২৯ ধারা অনুযায়ী ফ্রেণ্ডার করে জেলে আটক রাখা
হয়, সেই সমস্ত বন্দীরা Security Prisonersদের ন্যায় খোরাকী পায় না ?

The Hon'ble Khwaja Sir NAZIMUDDIN: Just for explaining the
question I may say that they are not treated as security prisoners.
Those who are detained under section 129, they are subject to a
different set of rules, and those rules are practically the same as those
for undertrial prisoners, but once they have been transferred from
section 129 to certain sections of rule 26, then they become security
prisoners.

Babu NARENDRA NARAYAN CHAKRABARTY: Transfer হতে
কত সময় লাগে জানাবেন কি অনুগ্রহ করে ?

The Hon'ble Khwaja Sir NAZIMUDDIN: The maximum time is two months, but we are taking steps to do it within 15 days, if possible, so as to come to a decision whether a man will be treated as a security prisoner or he will be allowed to go. We are trying our level best to reduce the time to 15 days, if possible, to come to a decision.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী-মহাশয় অবগত আছেন কি যে এই দুই মাস তাদের বিনাশ্রমে দণ্ডিত করেদির ন্যায় থাকতে হয় এবং তাদের আহ্বারের ব্যবস্থা এই সময়টা অত্যন্ত কষ্টকর হয়? মন্ত্রীমহাশয় জানান কি যে এক ছটাক মাছ দিয়ে দুবেলা তাদের খেতে হয়?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated, those who are detained under section 129 are treated in the same way as undertrial prisoners and we are, as I have already said, making the most earnest efforts to come to a decision in their cases as quickly as possible, and I doubt if in any case now it takes so long as two months.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী-মহাশয় অবগত আছেন কি যে পূর্বে যাদের Criminal Law Amendment অনুসারে ধরা হোত তাদের প্রথম থেকেই Detenus হিসাবে দেখা হোত?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, but in those cases, the rules and procedures were different. We have kept them in a separate place, and it is not possible for one or two people in a jail to be treated under the same rules as those of the security prisoners. It is not practically possible. Therefore, we have got to make a distinction.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that a Bengali requires at least 6 pieces of cloth per annum for his dress?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know what is required, but I think that there will be general agreement that as far as this question is concerned, the existing provision is sufficient.

Mr. SANTOSH KUMAR BASU: May I remind the Hon'ble Minister that it was practically decided in the Writers' Buildings Conference that in the interest of personal cleanliness better allowance for cloth will be made, and does he think that four pieces for one individual is enough for that purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, if these are worn out or are not fit to be used they can have fresh ones.

Mr. SANTOSH KUMAR BASU: What I mean is this. Does the Hon'ble Minister consider that the consideration of cleanliness is satisfied if a person is allowed only to use two pieces of cloth at a time when two others go to the washerman?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I feel it is sufficient.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government contemplate to review their decision about *dhotis*?

The Hon'ble Khwaja Sir NAZIMUDDIN: At present I do not, but if any member is anxious to discuss the question I am prepared to discuss it with him.

Mr. CHARU CHANDRA ROY: In the *communiqué* Government have stated that additional beddings may be allowed by the Superintendent in winter. Do Government contemplate winter rug in them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. CHARU CHANDRA ROY: In the *communiqué* that Government have issued there is no statement about any library at Hijli for the security prisoners. Do the Government contemplate to have any library at Hijli for the security prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. CHARU CHANDRA ROY: In the newspapers we found that some concessions have been given to security prisoners about newspapers, but in the statement laid on the table to-day we find no statement about newspapers.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that.

(At this stage the next question was called out.)

Mr. CHARU CHANDRA ROY: Sir, I have not got any answer to my question. In the *communiqué* published in the newspapers, we

find some concessions about newspapers for the security prisoners, but in the statement laid on the table to-day we do not find any such statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I may explain the position if you permit. I think those orders about newspapers were promulgated before the rules were promulgated. Therefore they may not be here. As I stated in my reply, a complete set of rules is being printed, and as soon as it is ready it will be placed on the library table for the use of the members.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his answer to the supplementary question that persons detained under section 129 of the Defence of India Act are treated as undertrial prisoners, whether any definite charge is preferred against those detained prisoners or whether they have the option of coming out on bail as the undertrial prisoners are entitled to?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise out of this.

(At this stage the next question was called out.)

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Minister answered that these prisoners are treated as undertrial prisoners. With reference to that answer—

Mr. DEPUTY SPEAKER: I am sorry, I have called the next question.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Minister has just answered that that question did not arise. I was just asking you to allow this simple question. You did not rule that that question did not arise. The Hon'ble Minister cannot say that this question does not arise. You have allowed me to put this question, and the House is certainly entitled to have an answer from the Hon'ble Minister. I am asking the Hon'ble Minister, with reference to his statement that persons detained under section 129 of the Defence of India Act are treated as undertrial prisoners, to be pleased to state whether these persons are also entitled to the privilege of undertrial prisoners of coming out on bail or of standing their trial on a definite charge.

Mr. DEPUTY SPEAKER: I disallow that question.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us if it is a fact as we have seen in the daily newspapers and the Government *communiqué* that these security prisoners will get *Statesman* and *Azad* at the cost of Government, and if they will make choice for other newspapers, they will be supplied with those papers which they may choose at the cost of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask the honourable member to wait till the printed rules are available and then perhaps he will find that there will be no necessity for this question.

(The next question was called.)

Mr. SANTOSH KUMAR BASU: Although the rules have not been published, yet they have been given effect to?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. DEPUTY SPEAKER: I won't allow that question.

Mr. SANTOSH KUMAR BASU: I have already got the answer.
(Laughter.)

Reconstruction of Burdwan-Arambagh Road.

38. Mr. TARAK NATH MUKERJEE: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

- (a) what progress has been made up to date for reconstruction of the Burdwan-Arambagh Road;
- (b) up to what length from Burdwan and up to what place this road is proposed to be metalled;
- (c) whether it will proceed up to Arambagh; and
- (d) when the work is expected to be completed?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) I would draw the attention of the honourable member to my answer last December to his question No. 33. The big question of the bridge and barrage across the Damodar river and the treatment of the spill area on the south bank is still under consideration. The remainder of the road except for 3 miles of surfacing which will be done during the coming cold weather is nearing completion.

(b) The road is being modernised up to the 22nd mile (Chandur bridge) where the proposed Bombay route takes off.

(c) Not at the present moment.

(d) Does not arise.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (a), will the Hon'ble Minister be pleased to state how long the question of the bridge and barrage across the Damodar river is under the consideration of the Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is very difficult to answer the question in the form in which it has been asked. We are considering the combined scheme after the resolution of the Hooghly-Howrah Flushing Scheme. That scheme had to be postponed on account of the high prices of materials, and I think we will have to wait till the prices come down to normal level.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if the bridge has been designed yet?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how can then an estimate be prepared if the design has not yet been made?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Well, Sir, first of all we prepared an estimate for an independent bridge, and now, after the passing of the resolution of the Hooghly-Howrah Flushing Scheme, we thought that if both the schemes, i.e., bridge and barrage schemes, could be combined, it would be making a saving of Rs. 8 to 9 lakhs.

Rai HARENDRA NATH CHAUDHURI: Is the bridge going to be designed in such a way as will permit the passage of railways over the bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes.

Mr. DEPUTY SPEAKER: Question over.

Dr. NALINAKSHA SANYAL: May I humbly submit, Sir, that yesterday you were pleased to direct—

GOVERNMENT BILL.

Calcutta Municipal (Amendment) Bill, 1940.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

Dr. NALINAKSHA SANYAL: [Speaking simultaneously with the Hon'ble Minister as soon as he uttered the word "Bill" after the words "Calcutta Municipal (Amendment)."] You directed yesterday that no newspaper publicity should be given to the proceedings and this decision or direction of yours to the Press has created awful difficulty. May I respectfully submit that under the rules of the Assembly Procedure you or the Speaker have not got this power to give such a direction? We are functioning here in the Legislature not so much for or probably for something over and above the making of legislation. We are here to educate the electorate outside, and if debates and discussions in the Legislature are not permitted to be fully published in the Press it will be creating a most unfortunate precedent. Sir, it has been held and if you will kindly look up Ivor Jennings' or Harold Laski's recent books on Parliament you will notice that it has been recognised by authorities on parliamentary practice, I mean the latest authorities, that in the British House of Commons to-day debates are actually held not so much to influence the decision,—because the decisions are practically well known when any particular party sponsors a debate—as to acquaint the electorate with various viewpoints. The party machinery is such that whenever a debate takes place, the party that sponsors a Bill or measure or resolution will support the particular motion and whenever it is known outside that a particular party that is in a majority is sponsoring a particular motion, they take it that the motion will be accepted by the House, so that people outside do not attach any importance to the debate as influencing the actual decision or the decision likely to be taken in the House. But they look forward to the members of their constituencies to serve the constituency concerned and to show to what extent they are prepared to educate the constituency through their debates in the House. Here, Sir, we are functioning in this Legislature similarly, not merely to help in the preparation of good laws but also to educate the public outside, and we are in that respect serving a more important function than merely passing laws, some of which become absolutely anomalous and laws which probably the High Courts hold as entirely ridiculous. Sir, we, who are in the Opposition, are specially more concerned with preparing the country outside for eventual overthrow not merely of the present Cabinet but also of the British domination in the country and therefore, Sir, we expect that you will allow everything that we say

here to be fully published in the Press, so that the public outside may be acquainted with all that we felt and expressed on the floor of the House. It would be entirely beyond all sense of parliamentary justice if you decide in your wisdom to direct the Press here not to publish things that take place in the House. If, Sir, in a particular matter, the House decides by the vote of the House—the majority of members of the House deciding or taking a decision in that connection—that a particular matter is such that we must decide it in camera then, Sir, you can with the opinion of the House ask the Press to clear out or ask the visitors' galleries to be cleared out and then we can take the responsibility of a closed and confidential debate in camera. But so long as that is not done, I think, Sir, it is extremely arbitrary, against all principles governing parliamentary practice and procedure and against all healthy protection to debates in democratic Legislatures that you should give such a direction to the Press. I submit, Sir, that you will kindly withdraw that direction and will kindly direct the Press that they may publish the whole thing that happened yesterday. Sir, in such a publication in the Press, some of us may look as if we have been deliberately disturbing the proceedings of the Legislature. It may be that some of us who were unfortunately named by you yesterday may be put up to public ridicule. Even that risk we are prepared to take, because we all know that we have been fighting for a noble cause. We are fighting for the dignity of the House, for the privilege of a member of the House and, Sir, I for myself who had not been afraid of going to jail (Cries of "Hear! hear!" from Congress benches) for the cause of independence would not care for that publicity. Sir, the real reason that, perhaps, actuated you to stop publication was the exposure of the Minister concerned whose conduct has been so reprehensibly exposed on the floor of the House. Sir, it would be most unfortunate if a man of position, a man high in position in the Cabinet, one who holds numerous portfolios, is given such undue protection by a person in the Chair from whom only judicial attitude and fair-minded justice are expected. I submit, Sir, that you will be pleased to withdraw that order and I would expect, Sir, that you will direct the Press to publish the whole thing that happened yesterday and, in order to help them to remember what happened, you will kindly direct them to be supplied with an official copy of the proceedings of the House that took place yesterday.

MR. TULSI CHANDRA GOSWAMI: Mr. Deputy Speaker, I ask your permission to supplement the observations just made by my honourable friend Dr. Nalinaksha Sanyal. The matter is so serious—

MR. DEPUTY SPEAKER: I think it will cut short the discussion if I say that I shall give my fullest consideration to the question and shall let you know my decision in the course of the day.

Mr. TULSI CHANDRA COSWAMI: I think it would help you in coming to a decision if you listen to a few of us. If you permit me to indulge in acquainting the House on the subject, I shall do so in a few brief words.

Mr. Deputy Speaker, as a public man I have often wished to be protected against the Press and perhaps the House's apparent wish is to be protected against the Press. But as the learned doctor has just told us, it is also our prerogative and privilege that matters raised by us should be known in the country and the gagging of the Press may have the effect of creating a wrong impression of the proceedings of the Assembly in the minds of the people at large. What was the matter under discussion yesterday? The matter under discussion was completely ignored under your orders by the Press. You have no power over the Press. This is not the High Court or Parliament. You have no other power except the vindictive power of taking away their admission. There is no other power which you have to prevent the Press from publishing the proceedings of the Assembly. The Press knows its business. There are very hard laws against the Press, designed to gag the Press. In addition, if the Speaker or the Chairman presiding over this Assembly chooses to forge fresh fetters on the Press, I think it would be the most unfortunate thing. Sir, yesterday we were not sitting *in camera*—please realise that position—and an adjournment motion was moved. Why? In order to give the particular Minister an opportunity to vindicate his character. What is the procedure in Parliament in England? Remember the historic occasion when Mr. Lloyd George who had held high offices, somewhere in 1912 or 1913, had to apologise—I am sorry I used the word “apologise”—had to give an explanation as regards his share in the Marconi scandal. There are two ways in which a Minister can be vindicated in the House of Commons—one by interpellation and the other by the appointment of a committee of enquiry. To say that this particular matter is *sub judice* is ridiculous. The matter is *sub judice* only when it is the main issue which is in dispute. This was not a matter which was *sub judice*. But at the same time it has been openly stated, publicly stated, that a certain Minister had been guilty of gross misconduct and I think—

Mr. FAZLUR RAHMAN: On a point of order, Sir. (Cries of “Sit down!” “Sit down!” from the Congress benches.) My point of order is this. The proceedings of yesterday cannot be discussed to-day or cannot be referred to to-day on the floor of this House.

Mr. JOGESH CHANDRA GUPTA: Why not?

Mr. FAZLUR RAHMAN: Whether the Press should not be prevented from publishing the proceedings is a simple point and they

can submit that for your decision. But to enter into the question of what happened yesterday is not proper. That is not a matter for discussion to-day. On a point of privilege, they can only say that this should not be done. This is a simple point for your decision, and you have already intimated to the House that you will give your decision on the point in the course of the day. If they really (Cries of "Sit down!" "Sit down!" from the Opposition benches) want to give parliamentary co-operation which is the duty of the Opposition and to conform to the conduct consistent with the dignity of the Opposition, then they can only await your decision as honourable men should do, and they should co-operate now with the proceedings. (Cries of "বেশ হয়েছে, বেশ হয়েছে" from the Congress benches.) If they do not like to conform to the conduct of parliamentary procedure, then in that case, I do not think you, as the guardian of the rights and privileges of the House, should allow them to abuse the procedure of this House. Therefore, I appeal to you, Sir, to prevent such abuse and not to allow the member to proceed with the point of privilege, especially when you have said that you will give your decision in the course of the day.

Mr. JOGESH CHANDRA GUPTA: A point of privilege can be raised at any time.

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. Deputy Speaker—

Mr. TULSI CHANDRA GOSWAMI: Sir, I have not yet finished.

The Hon'ble Mr. A. K. FAZLUL HUQ: On a point of order, Sir. The only motion before the House is the motion moved by the Hon'ble Minister. (Cries of "No, no," from the Congress benches.)

Dr. NALINAKSHA SANYAL: অন্যায় বলবেন না।

The Hon'ble Mr. A. K. FAZLUL HUQ: As I have been able to follow the proceedings, I had an impression that the Hon'ble Nawab Bahadur had moved his motion beforehand. (Cries of "No, no," from the Opposition benches.) If there is a dispute as to the question of fact, I would yield to the opinion of the majority.

Mr. SANTOSH KUMAR BASU: What majority?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am speaking from my own personal impression.

Mr. SANTOSH KUMAR BASU: Our impression is otherwise.

The Hon'ble Mr. A. K. FAZLUL HUQ: If the Hon'ble Nawab Bahadur's motion was prior in point of time, then the only motion before the House is the motion which he has moved, and any discussion which is not relevant to that motion should be ruled out. But if I am wrong there and if the other motion was prior in point of time, then certainly the discussion can go on and it is relevant.

Mr. DEPUTY SPEAKER: In these circumstances I think we ought to see the official report.

Mr. SANTOSH KUMAR BASU: May I just say one word? Even if the Hon'ble Minister had moved his motion mumbling within himself something inaudible to everybody else, I do not think that that could be treated as a motion before the House. The members of the Opposition are as much entitled to hear as his supporters what the Hon'ble Minister says to himself before we can take notice of anything that passes for a motion of the Hon'ble Minister. This is a most important matter and we have got every right to hear what he says even to himself. Soliloquies are not motions before the House. ("Hear! hear!" from the Congress benches.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I explain, Sir—(Cries of "No, no" from the Opposition benches.)

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. (Cries of "No, no" from the Coalition benches.)

Mr. DEPUTY SPEAKER: Order order. As regards the mumbling of the Hon'ble Minister, I would rather like to find it out from the official report.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Mr. Deputy Speaker, Sir,—(Cries of "No, no" and uproars from the Opposition benches.)

Mr. DEPUTY SPEAKER: As regards the statement by the Hon'ble Minister, that is what I want to find out from our records.

Mr. M. SHAMSUDDIN AHMED: Mr. Deputy Speaker, Sir, will you please allow me a minute? (Cries of "No, no" and loud noise from all sides of the House.)

Mr. DEPUTY SPEAKER: If you go on in this way and do not co-operate with me, how can I properly conduct the business of the House?

Mr. JOGESH CHANDRA GUPTA: Sir, we want a fair deal.

Mr. M. SHAMSUDDIN AHMED: It is not a question of co-operation only, Sir. You are in the Chair, and it is up to you to see that justice is done. When Dr. Sanyal was speaking, somebody might have stood up and spoken a few words. After that you allowed Dr. Sanyal to address the House for about 20 minutes. And thereafter you allowed Mr. Goswami to speak. He went over to the microphone and after he spoke for about ten minutes, we were in the midst of a point of order that Mr. Fazlur Rahman raised as to what was the first motion before the House. He spoke about the relevancy of the speech that was delivered. Therefore, I feel that what my friend, the Hon'ble the Chief Minister, brought out at that time is not relevant to the point at issue. The point before the House at present is whether it is in order or not. You can rule out Mr. Fazlur Rahman, but when you allowed Mr. Goswami to speak, the question did not arise whether Mr. Fazlur Rahman should have raised his point of order that this could not be allowed. We have been hearing all these things the whole of yesterday, and I am very sorry I did not speak out a single word during the whole of yesterday. To-day I find that if you allow this sort of thing to go on which is absolutely beside the point, you will be doing an injustice to the whole House, especially to the members on this side of the House. Therefore, I implore you to allow the discussion to go on.

Mr. SARAT CHANDRA BOSE: With reference to the observations of the Hon'ble the Chief Minister, I desire to point out to you that you did not call upon the Hon'ble the Nawab Bahadur of Dacca—(Cries of "He did! He did!" from the Coalition benches, and of "No, no," from the Opposition benches.) Sir, you did not call upon the Nawab Bahadur of Dacca—(Cries of "He did! He did!" again from the Coalition benches.) May I tell the members of the Coalition benches that the Deputy Speaker did not call upon the Nawab Bahadur—(Cries of "He did! He did!" from the Coalition benches.)—

Mr. NIHARENDU DUTTA MAZUMDAR: The Leader of the Opposition must be given a hearing.

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, I do not propose to give way even though the members on the other side of the House go on shouting in this way—(Loud noise from all sides of the House.)

Mr. DEPUTY SPEAKER: Mr. Bose, I did ask the Nawab Bahadur to speak.

Mr. SARAT CHANDRA BOSE: As I have already said, I do not propose to give way in spite of the shouting of the members opposite. Even though members on the front benches of the Coalition Party go on shouting in this fashion, I may tell them that the members to my right and and to my left—(Loud noise and uproar from all sides of the House.)

Mr. DEPUTY SPEAKER: Order, order. The House stands adjourned for one hour..

(The House was then adjourned for one hour.)

(After adjournment.)

Mr. SYED JALALUDDIN HASHEMY: I rise on a point of order, Sir.—

(Cries of “No point of order at this stage” from the Coalition benches.)

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, Sir, I was in possession of the House when you were pleased to adjourn it—

Mr. DEPUTY SPEAKER: Mr. Bose, with the leave of the House I want to make a statement.

As regards my request to the Press yesterday not to publish yesterday's proceedings in the House, I should say that it was not unprecedented, and whatever I thought best in public interest as well as that of the House and for the dignity of the House, I did. And I do not see any reason to change my mind. My ruling is that as regards the discussion on that subject, it should be stopped. And I rule that it should be stopped, and it is stopped. I would therefore ask the House to go on with the consideration of the Calcutta Municipal (Amendment) Bill.

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, as I said a moment ago, I was in possession of the House when you were pleased to adjourn the House for an hour, and I was going to reply to the observations that fell from the lips of the Hon'ble the Chief Minister—(Loud cries from the Coalition as well as the Congress benches.)

Mr. ABDUL KARIM: On a point of order, Sir—(Cries of “No fresh point of order when there is already a point of order before the House” from the Opposition benches.)

Mr. ABDUL KARIM: On a point of information, Sir—

Mr. JOGESH CHANDRA GUPTA: There is no reason for a point of information—

Mr. FAZLUR RAHMAN: Mr. Deputy Speaker, Sir, the only motion before the House now is the motion moved by the Hon'ble Nawab Bahadur of Dacca—(Cries of "No, no" from the Opposition benches and of "Yes, yes" from the Coalition benches.)

Mr. DEPUTY SPEAKER: Are you questioning my decision, Mr. Bose?

Mr. SARAT CHANDRA BOSE: I was going to raise a point of order on the observations of the Hon'ble the Chief Minister, and my point of order is this—that apart from what was said or what was not said by the Hon'ble the Nawab Bahadur of Dacca, it was not permissible for any Minister to move any motion, far less a motion for taking such an important and contentious Bill into consideration without being called upon by the Speaker or the Deputy Speaker to do so—

Mr. DEPUTY SPEAKER: Mr. Bose, I must say now that I did as a matter of fact call upon the Nawab Bahadur—

Mr. SASANKA SEKHAR SANYAL: Dr. Sanyal was already on his legs.

Mr. DEPUTY SPEAKER: True, just at that moment Dr. Sanyal stood up, but the Nawab Bahadur had finished what he had to say.

Mr. SARAT CHANDRA BOSE: Sir, without meaning any disrespect to you, may I remind you that one hour back it was not in your recollection that you had called upon the Nawab Bahadur to move his motion. And, Sir, you said in so many words that you would refer to the proceedings of the House to find out what had happened. Further, Sir, as a matter of fact and that fact will be borne out—

(There were interruptions from the Coalition benches.)

Mr. FAZLUR RAHMAN: Sir, it is questioning your conduct.

Mr. M. A. H. ISPAHANI: Sir, I rise on a point of order. He cannot question your ruling.

Mr. DEPUTY SPEAKER: Mr. Bose, I must make my position clear. The Nawab Bahadur, as I said before, did say what he had to say and—

Mr. RAJENDRA NATH CHAUDHURI: Without being asked?

Mr. DEPUTY SPEAKER: I did ask him.

Mr. SASANKA SEKHAR SANYAL: At that time Dr. Sanyal was on his legs.

Mr. DEPUTY SPEAKER: I said, "Questions over, Nawab Bahadur please."

Mr. SANTOSH KUMAR BASU: Only "please"!

Mr. DEPUTY SPEAKER: I thought that was enough, and he stood up and after that you said that the Nawab Bahadur had not moved his motion, and I got up and I wanted to say that he did move his motion, but my voice was absolutely drowned. I tried the microphone but the microphone did not work.

Mr. SARAT CHANDRA BOSE: Mr. Deputy Speaker, may I submit with all respect to the Chair that the subsequent proceedings have all been irregular, because if, as a matter of fact, the Nawab Bahadur moved his motion—and I do not for one moment admit that and in that matter I have the support of members to my right and members to my left—then surely, Sir, you could not and would not have allowed Dr. Sanyal to raise the question of privilege nor would you have allowed Mr. Goswami to support it.

Mr. DEPUTY SPEAKER: I agree I ought not to have allowed that, but I thought he would finish in one minute, and I must say whatever it was it was my fault.

Mr. SARAT CHANDRA BOSE: I think members of the House are entitled as a matter of right. (Here the voice of Mr. Bose was drowned by interruptions and noise from the Coalition benches.) Speaker or Deputy Speaker to call upon a member or a Minister to move a motion. I submit with the utmost respect to you that it is not sufficient to say "Nawab Bahadur please."

(There was at this stage uproarious noise from the Coalition and the Opposition benches.)

Mr. SARAT CHANDRA BOSE: For, "Nawab Bahadur please" may mean "Nawab Bahadur please speak"; it may mean "Nawab Bahadur, please rise"; it may mean "Nawab Bahadur please stop"; it may also mean "Nawab Bahadur, please go down on your knees."

(At this stage there was again tumultuous noise and great disturbance from all sections of the House.)

Mr. DEPUTY SPEAKER: Order, order. I must adjourn the House till 4-45 p.m. to-morrow.

Adjournment.

Accordingly the House was adjourned at 7-20 p.m. till 4-45 p.m. on Wednesday, the 6th August, 1941, at the Assembly House, Calcutta.

**Proceedings of the Bengal Legislative Assembly assembled
under the provisions of the Government of India Act, 1935.**

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 6th August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khar Bahadur) in the Chair, 7 Hon'ble Ministers and 200 members.

STARRED QUESTIONS

(to which oral answers were given)

Internee Babu Haridas Banerjee of Chaygaon, Faridpur.

*34. **Babu NAGENDRA NATH SEN:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Haridas Banerjee of Chaygaon in the district of Faridpur was in jail for 6 months and released on or about the 20th May last?

(b) If so, for what offence he was put in jail?

(c) Is it a fact that the said convict was in hospital during his confinement? If so, for what period and for what disease or diseases?

(d) Is it a fact that the said Haridas has been served with an order of home internment immediately on his release? If so, for what period?

(e) Have the Government received any representation from the internee or from his father or from any of his relatives for the cancellation or modification of the internment order for the necessary medical treatment of the internee?

(f) If so, with what result?

(g) Will the Hon'ble Minister be pleased to state whether there is any Government, District Board, or Local Board hospital near Chaygaon? If so, at what distance?

(h) Is the Hon'ble Minister considering the desirability of rescinding or modifying the internment order?

(i) If the answer to (h) is in the negative is the Hon'ble Minister considering the desirability of granting him an allowance for his treatment?

(j) If not, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes, on the 29th May, 1941.

(b) For offences under rules 56 (4) and 39 (6) of the Defence of India Rules.

(c) Yes, for six periods aggregating 76 days: chronic colitis, piles, anal fissure and defective vision.

(d) The District Magistrate has imposed certain restrictions on him which include restriction to the village of Chhaygaon and from sunset to sunrise within his dwelling house.

(e), (h) and (i) No.

(f) Does not arise.

(g) Yes, at Lakarta, about a mile from Chhaygaon.

(j) The circumstances of the case do not warrant it.

Babu NACENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how the internee can go to Lakarta for treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is only a mile from there.

Babu NACENDRA NATH SEN: Yes; but he is restricted to the village of Chhaygaon under the orders of the District Magistrate. How can he go there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL KRISHNA CHOSE: With reference to answer (d) will the Hon'ble Minister be pleased to state the significance and reason for further restricting the movement of a man who is already detained in his village, i.e., further detaining him in his dwelling house from sunset to sunrise?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because in the evening he can meet people and conspire, if necessary, with people whom he may not be able to keep watch on.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state if detention in a particular village is enough to restrict him from associating himself with men of a dangerous character?

The Hon'ble Khwaja Sir NAZIMUDDIN: Evidently it is believed that it is not enough.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state how long this gentleman has been restricted in his dwelling house from sunset to sunrise?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in view of his answer (c) Government is considering the desirability of withdrawing some of the restrictions from him with a view to enable him to travel to places where he can get the best medical treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the person will make an application that he wants to go to any particular place for proper medical treatment, Government will be prepared to consider that.

Agreement between Bengal and Assam Governments regarding restriction of jute crops in Assam.

***35. Babu KHACENDRA NATH DAS GUPTA:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether any agreement has been reached between the Government of Bengal and the Government of Assam regarding the restriction of the present year's jute crop in Assam?

(b) If the reply to (a) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the contents of that agreement.

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): No agreement with the Government of Assam was made in respect of the present year's jute crop.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether any agreement was reached with respect to future years' jute crop?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, a conference between the Governments of Assam and of Bengal was held in Shillong in May last and an agreement was reached, but no agreement has actually been signed.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether any agreement in respect of the present year's jute crop was either proposed or pressed for?

The Hon'ble Mr. TAMIZUDDIN KHAN: That was impracticable.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to give us some idea of the nature of agreement that was discussed there?

The Hon'ble Mr. TAMIZUDDIN KHAN: May I point out, Sir, that there is another question in which I have been asked for further details and when that question is taken up supplementary questions may be put.

Mr. SPEAKER: I think that starred question No. 38 is exactly in the same line, and details have been given in answer to that question. When the answer to that question is read out, supplementary questions may be put.

Mr. CHARU CHANDRA ROY: Sir, I want to ask another question out of this. Will the Hon'ble Minister be pleased to tell this House what is the acreage of jute in Assam this year? Is there any information to this effect?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I would refer the honourable member to the publication of jute forecast figures.

Pay of Primary School teachers.

***36. Dr. SANAUULLAH:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government have fixed up any uniform rate of salaries for the teachers of the Primary Schools all over the Province?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the monthly rate so fixed?

(c) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to lay on the Table a statement showing the various rates of monthly pays of the Primary School teachers under the—

(i) District School Boards where they are established;

(ii) District Boards; and

(iii) other authorities in the Province? "

(d) Is it a fact that the rate is Rs.16 per month in some schools?

(e) If the answer to (d) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate increasing the pay of the teachers of Primary Schools uniformly to Rs.20 per month?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) No.

(b) Does not arise.

(c) (i) to (iii) It is not possible to prepare such a statement without undue labour. Some of the rates are as shown in the statements.

(d) Yes.

(e) No, funds will not permit.

Statement referred to in reply to clause (c) (i) of starred question

No. 36.

Head Masters Rs.16 and Rs.14 per month.

Assistant teachers—

Trained Rs.12 per month.

Untrained Rs.10 per month.

Statement referred to in reply to clause (c) (iv) of starred question

No. 36.

Head teachers—Rs.25, Rs.13, Rs.10, Rs.7 and Rs.6 per month.

Assistant teachers—Rs.20, Rs.15, Rs.9, Rs.7, Rs.6, Rs.3 and Rs.2 per month.

Statement referred to in reply to clause (c) (iii) of starred question

No. 36.

Head teachers—*Rs.80 to Rs.130 per month, *Rs.45 to Rs.100 per month and Rs.25 to Rs.40 per month.

Assistant teachers—*Rs.60 to Rs.100 per month, *Rs.45 to Rs. 90 per month, *Rs. 35 to Rs. 75 per month, Rs. 15 to Rs. 30 per month and Rs. 10 to Rs. 20 per month.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to fix uniform rates of pay for all primary school teachers in future?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the question is bristling with difficulties and I cannot say that the time has come for us to consider anything like uniform rates of pay, because the whole system of primary education in the province is at the present moment in a nebulous state, but I would assure the honourable member that

*These rates are for Calcutta Corporation Schools.

we have every sympathy with the object he has in view and we are trying our very best to see that higher rates of pay are given for primary school teachers than what they are getting at the present moment.

Consumption of country spirit in Darjeeling.

***37. Mr. DAMBER SINGH CURUNG:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state the total consumption of country spirit in Darjeeling district, subdivision by subdivision, for the—

(i) first quarter of 1940-41 and 1941-42; and

(ii) last quarter of 1939-40 and 1940-41?

(b) Will the Hon'ble Minister be pleased to state the reason of increase or fall of consumption, if there is any?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. Prasanna Deb Raikut): (a) A statement is laid on the Table.

(b) There was increase in consumption during the periods in question except in Kurseong, where there was a fall of 47 L. P. gallons in the last quarter of 1940-41 as compared with the last quarter of the year preceding. The increase in consumption was due to better management of the shops caused by closer supervision over the vendors and improvement in the economic condition of the consumers. The cause of decrease in consumption in Kurseong subdivision is under investigation.

Statement referred to in reply to clause (a) of starred question No. 37.

				(i) First quarter.	
				1940-41.	1941-42.
				L. P. gallons.	L. P. gallons.
Sadar	..	..	..	1,260	1,466
Kurseong	..	..	..	912	972
Siliguri	..	..	..	3,394	3,657
Kalimpong	..	..	..	1,182	1,883
Total				6,749	7,980

(ii) Last quarter.				
			1939-40.	1940-41.
			L. P. gallons.	L. P. gallons.
Sadar	..	..	1,197	1,294
Kurseong	..	..	937	889
Siliguri	..	..	3,729	4,446
Kalimpong	..	..	1,388	2,150
Total	..		7,252	8,780

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reason for the fall in consumption in that particular district?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the answer itself where it is said that the cause is under investigation.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how there can be increase in consumption by better management of the shops?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because there would not be any opportunity of illicit distillation.

Rai HARENDRA NATH CHAUDHURI: Does the Hon'ble Minister give us to understand that illicit distillation can be prevented only by closer supervision of shops?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This is one of the steps which have been effectively taken.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to refer to the last part of the answer and say how decrease in consumption can be a matter of concern to Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the fact that this is about Darjeeling.

Rai HARENDRA NATH CHAUDHURI: In answer (b) the last sentence is "The cause of decrease in consumption in Kurseong subdivision is under investigation." Why should it be under investigation? Why should the decrease in the consumption of liquor be a matter of concern to Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It might be that there was illicit distillation or there was mismanagement by which the vendors might have taken away something and this decrease might have happened. We will know the cause from the enquiry.

Rai HARENDRA NATH CHAUDHURI: If after investigation it is found that the decrease is due to less consumption, will that be a matter of regret so far as the Government is concerned?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a matter of opinion.

Agreement between Bengal and Assam regarding Jute Regulation.

***38. Maulvi MUHAMMAD ISRAIL:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

- (a) the terms of agreement arrived at between the Government of Bengal and the Government of Assam with respect to Jute Regulation in the latter province; and
- (b) when the Jute Regulation is likely to be brought into operation in the province of Assam?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) The principal points of the agreement are as follows:—

- (i) Bengal will advance as a loan without interest a sum not exceeding Rs.4 lakhs to enable Assam to carry out the necessary survey of jute lands. This advance to be repaid in instalments over 20 years.
- (ii) Assam will regulate the cultivation of jute on all existing jute lands to the same extent as is done in Bengal in the same year.
- (iii) The cultivation of jute on lands at present unsettled and uncultivated will not be regulated in Assam for 5 years from the date of agreement. At the end of that period the position in respect of these lands will be reviewed and such action taken as may be mutually agreed upon.
- (iv) Assam will take steps as soon as possible to introduce and pass the necessary legislation to enable them to regulate the growing of jute.
- (v) Assam and Bengal will jointly make all possible endeavours to secure the co-operation of Bihar in similar regulation.
- (b) In 1943.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state with reference to answer (a)—paragraph (i) of the Agreement—whether the sum of Rs. 4 lakhs has been advanced and the necessary survey of jute lands begun?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when the Provincial Government propose to advance that money to the Government of Assam?

The Hon'ble Mr. TAMIZUDDIN KHAN: The money will be advanced as soon as the agreement is signed. The agreement has not yet been signed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when does he expect that the agreement will be signed?

The Hon'ble Mr. TAMIZUDDIN KHAN: We have sent a draft in accordance with the decisions that were arrived at at the last Shillong conference. That draft is now under the consideration of the Assam Government. We have not yet received from them any reply.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he has secured sufficient guarantee that this Rs. 4 lakhs will not be used in furtherance of particular political interests of any party?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: It arises in this way, Sir. There may be certain—

Mr. SPEAKER: I do not say that it is an irrelevant question but I say that it does not arise out of this question. You may, if you like, table a separate question.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to the Hon'ble Minister's answer it has been agreed to make an advance of Rs. 4 lakhs to undertake the work of survey of jute growing areas—

Mr. SPEAKER: Please try to be still more slow and then you will find it yourself.

Mr. NIHARENDU DUTTA MAZUMDAR: If that is your view, then I have nothing to say.

Writing names of candidates on the answer books of Matriculation Examination.

***39. Maulvi MD. ISRAIL:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the examination papers of the Matriculation candidates of the Calcutta University are sent to the examiners with their names on?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of requesting the University authorities of discontinuing this system?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) The University authorities have been requested to consider the matter.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Government requested the University on receipt of this question or made a similar request previous to the receipt of this question?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know, but I want notice.

Mr. ATUL CHANDRA SEN: With reference to answer (b), will the Hon'ble Minister be pleased to state why the Government have felt called upon to request the University to discontinue the system?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government have received representations from various quarters and they have requested the University to consider the matter.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what is the substance of the representations that the Government received in the matter?

Mr. SPEAKER: That is not a supplementary question. A question was put and you have been given the information. If you want to proceed further on that, you may put a separate question.

Mr. ATUL KRISHNA CHOSE: Is it your ruling, Sir, then that if an Hon'ble Minister gives a reply, and if out of that reply some essential questions arise, we will be debarred from putting those questions?

Mr. SPEAKER: I do not think I could explain better.

Mr. ATUL KRISHNA CHOSE: Here is a definite issue, Sir.

Mr. SPEAKER: No, no.

Civic Guards.

***41. Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) the function and responsibility of the Government with regard to recruitments to and composition of Civic Guards;
- (b) the nature and extent of expenses required for them;
- (c) the sources from which they are met;
- (d) the functions that these Civic Guards have to and are expected to perform; and
- (e) the nature and extent of control and superintendence that Government exercise over them?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Government exercises control on the Civic Guard organisation through the Commissioner of Police, Calcutta, and the District Magistrates. In Calcutta the Commissioner of Police is responsible for organisation and recruitment; elsewhere such responsibility rests with the Superintendent of Police under the general guidance of the District Magistrate.

(b) Expenditure is mainly confined to contingencies the principal items being—

- (i) uniform;
- (ii) badges and brassards;
- (iii) half *lathis*;
- (iv) daily allowance when called out to duty;
- (v) expenses on training;
- (vi) stamp, stationery and other office expenses; and
- (vii) establishment of clubs.

(c) Provincial police budget. The Government of India has however agreed to bear one-third of the total cost of Civic Guards (both initial and recurring).

(d) Civic Guards may be called out on duty—

- (i) to assist the regular police force in the protection of the civil population against the forces of crime and disorder;

- (ii) to work in close touch with Air Raid Precautions organisations and to maintain and enforce order during black-outs and air raid alarms;
 - (iii) to perform such duties in connection with the protection of persons, the security of property or the public safety as the Provincial Government may, from time to time by rule, assign to them.
- (e) *Vide* reply to question (a).

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what is the status of these Civic Guards? Are they public servants within the meaning of the Indian Penal Code?

The Hon'ble Khwaja Sir NAZIMUDDIN: There has been an ordinance in connection with the Civic Guards, and I would refer the honourable member to that.

Mr. SASANKA SEKHAR SANYAL: The ordinance applies only to a particular portion of the province and not throughout the province. In view of that, will the Hon'ble Minister be pleased to state whether the Civic Guards have the status of public servants?

The Hon'ble Khwaja Sir NAZIMUDDIN: The whole Civic Guard organisation is based on that ordinance, and I would refer the honourable member to that Civic Guard Ordinance.

Mr. SASANKA SEKHAR SANYAL: In the ordinance there is nothing to show as to whether they have the status of public servants or not.

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot add anything more.

Mr. SPEAKER: It is not necessary that their status should be specifically defined. That must depend on the general law of the land.

Mr. SASANKA SEKHAR SANYAL: No, Sir. The police are public servants and these people are called upon to assist the police. The village defence parties are also called upon to assist the police and I would ask the Hon'ble Minister whether their status is that of a public servant?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot interpret the law. Their status is defined in the Civic Guard Ordinance.

Mr. SPEAKER: I think that is a matter to be settled by the Law Officer of the Government.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (d)(iv), will the Hon'ble Minister be pleased to state whether the rules referred to therein are rules promulgated under any Act or really non-official rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: The rules made under the ordinance.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (d), will the Hon'ble Minister be pleased to state as to what are the conditions which the intending recruits have to fulfil before they are recruited as civic guards?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (d)(iii), will the Hon'ble Minister be pleased to state whether the Provincial Government has assigned the duties of the civic guards in times of industrial disputes in favour of the employer as against the strikers?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the negative.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware that there have been occasions when civic guards have been employed to do the work of blackmails against strikers?

Mr. SPEAKER: I am sorry, this is of the nature of a mere allegation. You must put it in the form of a question asking for some information.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Provincial Government ever assigned to civic guards the work of blackmailing in times of strike?

Mr. SPEAKER: That question does not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Erection of an embankment for protection of char lands of certain villages in Chittagong.

40. Maulana MD. MANIRUZZAMAN ISLAMABADI: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (i) that a new *char* has floated out in the villages Syedpur, Vaterkhil and Goliakhali in the district of Chittagong extending about 8 miles in length and 2 miles in breadth and has become fit for cultivation; and
- (ii) that these *char* lands are badly affected owing to the washing of sea water at the time of inundation for want of a proper embankment?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of—

- (i) erecting an embankment for protecting these *char* lands; and
- (ii) of realising the cost from the cultivators by instalments through the local Khas Mahal office?

(c) If the answers to (a) and (b) are in the negative, do the Government contemplate to make an enquiry into the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) (i) A new *char* has appeared in mauza Vatirkhil with an area of 877 acres of which only 77 acres are considered fit for cultivation.

(ii) Such *chars* are improved gradually by the deposit of silt, there being no embankment.

(b) and (c) No such proposals are in contemplation of Government as embankments cause deterioration of the soil rapidly and also because premature settlement of *char* lands by erecting embankments is now discouraged. The *char* is still unsettled.

Security prisoner Babu Pratap Chandra Majumdar.

41. Mr. NISHITHA NATH KUNDU: (a) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether Srijut Pratap Chandra Mazumdar, at present detained at Hijli Jail under the India Defence Act, is suffering from blood pressure and loss of weight?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

- (i) what is his blood pressure both diastolic and systolic;
- (ii) what was his weight when he was first taken into custody;
- (iii) what is his present weight;
- (iv) whether he is undergoing any treatment; and if so, with what result; and
- (v) whether his diet has been regulated; and if so, what diet is given now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) (i) S-152/D-68 on the 2nd July, 1941.

(ii) 199 lbs.

(iii) 182 lbs. on the 2nd July, 1941.

(iv) Yes. He is improving under treatment.

(v) Yes. Fish, meat, etc., are excluded and the diet includes extra dahi and sugar.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the highest record of blood pressure and the lowest record of weight of the prisoner in question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state, with reference to his answer (iv), viz., "he is improving under treatment", what is the source of his reply?

The Hon'ble Khwaja Sir NAZIMUDDIN: The report of the medical authorities.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister tell us if the report only states that he is improving under the medical treatment or even mentions some circumstances and facts?

The Hon'ble Khwaja Sir NAZIMUDDIN: The present state of his health and other things show that he is improving.

• **Mr. NISHITHA NATH KUNDU:** In view of the high blood pressure that the prisoner is suffering from, does not the Hon'ble Minister think it desirable to release him?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Jute cultivation in Chittagong.

42. Maulana MD. MANIRUZZAMAN ISLAMABADI: (a) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(i) that jute is not cultivated in the district of Chittagong (excluding Chittagong Hill Tracts) for purposes of trade and commerce; and

(ii) that the individual cultivator grows jute only for domestic use?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the exemption of the Chittagong district from the operation of the Jute Regulation Act, 1940?

(c) If the answer to (a) is in the negative, is the Hon'ble Minister considering the desirability of making an enquiry into the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) No.

(b) Does not arise.

(c) No enquiry is necessary. That jute grown in Chittagong district is sold to the trade for ordinary commercial purposes cannot be denied. Such jute is bought by at least one firm which has its main local agency at Chandpur.

Nomination of members of Government Medical School Selection Committees.

43. Mr. TARAK NATH MUKERJEA: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) whether any principle is followed in appointing members for the committee for the selection of candidates for admission in a Government Medical School; and

(ii) who are the members of the Selection Committee of the Burdwan Ronaldshay Medical School for the current year?

(b) Is there any representation from the districts of Hooghly and Howrah respectively in this committee?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) (i) Yes, the members of the Selection Committee for selection of candidates for admission into

Government Medical Schools are appointed mainly on the recommendations of the respective Commissioners of Divisions. The number of members on the Selection Committee is limited and in nominating members on the various Selection Committees as wide a representation as possible is given to the districts in the Division priority being given to the districts and interests contributing towards the maintenance of the hospital attached to the school. Public spirited gentlemen within the Division are also selected irrespective of the district to which they belong.

(ii) A statement is laid on the Table.

(b) No.

Statement referred to in reply to clause (a) (ii) of unstarred question No. 43.

- (1) Superintendent, Ronaldshay Medical School, Burdwan—*President*.
- (2) Deputy Superintendent, Ronaldshay Medical School, Burdwan—*Secretary*.
- (3) The Additional Manager, Burdwan Raj Estate.
- (4) Chairman, Burdwan Municipality, or an accredited representative.
- (5) Vice-Chairman, Burdwan Municipality.
- (6) Chairman, District Board, Burdwan, or an accredited representative.
- (7) Vice-Chairman, District Board, Burdwan, or an accredited representative.
- (8) Khan Bahadur Naziruddin Ahmed, B.L., M.L.C., Burdwan.
- (9) Dr. Ahi Bhusan Mukharjee, L.M.P., Burdwan.
- (10) Khan Bahadur Alfazuddin Ahmed, M.L.A., Midnapore.
- (11) Khan Bahadur Dr. Syed Muhammad Siddique, M.L.A.
- (12) Mr. Banku Behari Mandal, M.L.A.
- (13) Dr. Kali Gati Banerji, M.B., Suri, Birbhum.
- (14) Maulvi Abul Hashim, M.L.A.
- (15) Mr. Janendra Nath Chowdhury, Public Prosecutor, Midnapore.
- (16) Dr. Bishnupada Ghosh, Sonamukhi, Bankura.

Settlement of lands with a few Muslims within Cox's Bazar Municipality.

32. Dr. SANAULLAH: (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

- (i) that in February, 1940, about 20 houses of some poor Muslims in the village of Baharchara within the Cox's Bazar Municipality, Chittagong, were burnt by a sudden conflagration;
- (ii) that with a view to remove the congestion and similar disaster in future in the area, those poor persons were not allowed to erect their houses in their old homesteads;
- (iii) that they were given Rs.200 with some *khas* lands for the purpose of erecting their houses;
- (iv) that the Divisional Commissioner during his last Christmas visit to Cox's Bazar ordered the Collector to bring civil suits against those people and also to demolish their huts; and
- (v) that the poor people shall become homeless again if settlement of the lands is not granted to them?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what action he is contemplating taking for the revision of the orders of the said Divisional Commissioner?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (a) (i) Yes, the houses of 17 families were burnt down.

(ii) The area in which they lived was congested and insanitary. Apparently the settlers were dissuaded by leading men from rebuilding on the old sites.

(iii) A sum of Rs.200 was granted by Government but no land was given. The tenants occupied some valuable foreshore lands without permission and have been squatting there.

(iv), (v) and (b) The Divisional Commissioner has drawn Collector's attention to these squatters and has ordered that they cannot be allowed to take possession of valuable *khas* lands without permission. A town planning scheme is in contemplation and will be entirely frustrated if the best lands are allowed to become an insanitary *bustee*. Other *khas* lands, if available, will be offered to the squatters on reasonable terms.

Certificate procedure at Rangpur for realisation of rents.

34. Babu KSHETRA NATH SINGHA: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (i) the number of estates that are at present under the Government by virtue of section 99 of the Cess Act of 1880, in the district of Rangpur;
- (ii) whether certificate powers have been given in respect of these estates to realise rents from tenants; and
- (iii) whether Government have extended the period for stoppage of such certificates?

(b) Is the Hon'ble Minister aware—

- (i) that famine conditions are prevailing in the district;
- (ii) that a large number of people are living on relief works by Government; and
- (iii) that very recently some estates have been attached and certificates allowed?

(c) If the answer to (b) (iii) is in the affirmative, will the Hon'ble Minister be pleased to state the names of those estates that have been attached between 1940-41?

(d) Is it a fact that some landlords are paying the land revenues but not the cesses?

(e) If so, is the Hon'ble Minister considering the desirability of stopping the certificate procedure in such cases?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (a) (i) Five estates.

(ii) In cases of estates attached under section 99 of the Cess Act, the Collector may recover by the issue of certificates the rent due from any occupier, tenure-holder, under-tenant or *raiyyat* on the attached estates until the amount due to the Collector, together with all costs is satisfied. But as far as possible collections are always made amicably without the use of certificate procedure.

(iii) Yes, the practice of realisation of arrears of rent by certificate procedure in Khasmahal and Court of Wards' estates, has been held under suspension.

(b) (i) and (ii) Some amount of distress was prevalent in the district due to a partial failure of the *aman* paddy and jute and relief works were started.

(iii) Certificates have been filed in cases of wilful defaulters in some of the attached estates, but orders have been given not to press them until economic distress disappears.

(c) Excluding 6 estates already released, the following are under attachment at present:—

Estates bearing touzi Nos. 78, 18, 146, 162 and 163.

(d) and (e) It is because the landlords could not collect and pay their cesses that their estates had to be attached under section 99 of the Cess Act. Certificates are filed for the collection of cesses from tenants who are able to pay but are wilful defaulters.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state what is the reason of the differential treatment between Wards estates and Khasmahal estates, that the Khasmahal estates are given the power of certificate but these Wards estates are not given such power?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I will refer the honourable member to section 99 of the Cess Act.

Babu KSHETRA NATH SINGHA: Is the Hon'ble Minister aware that in order to bring section 99 into action some zamindars are not paying cess but are paying revenues?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the zamindars fail to pay cess, their estates are attached for realisation of cess, this much I know. But I do not know of any wilful defaulter.

Question of Mr. Atul Krishna Chose.

Mr. ATUL KRISHNA CHOSE: Mr. Speaker, Sir, I want to know about the fate of my questions.

Mr. SPEAKER: I am sorry, it would be better if you do not raise the question here and now.

Mr. ATUL KRISHNA CHOSE: On a point of privilege, Sir.

Mr. SPEAKER: In that case you may give notice of privilege motion, and then I am prepared to consider it.

Privilege Motion.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I have given notice of a privilege motion which I want to place before the House, and which is as follows:—

“This Assembly is of opinion that the direction given by Mr. Deputy Speaker on the 4th of August, 1941, prohibiting the publication in the Press of any report of that day's proceedings in the Assembly is an infringement of the privilege of this House.”

Mr. SPEAKER: Mr. Basu, the incidents of the last two days as well as this motion have been worrying me since 12 o'clock today. So far as the question of the privilege of this House is concerned, I believe you will agree with me that I have been trying my best to raise the standard of rights and privileges of this House ever since I have been called upon to this Chair. And I can assure you that I shall never be a party to anything which may affect the rights and privileges of this House. But so far as this particular privilege motion is concerned, I may state that certain questions have been raised as to whether this is really a question of privilege of the House or not, whether the Speaker or, in his absence, the Deputy Speaker has got the right under the circumstances as prevailed in the last two days to take such steps as had been taken by the Deputy Speaker. The notice of this motion was received only at 12 o'clock today. It was difficult within this short time to find out all references. I am not therefore going to decide the matter today. Before I admit the motion, I should like to know whether it is intended that this matter should be referred to the Privilege Committee.

Mr. SANTOSH KUMAR BASU: Yes, that is what we want.

Dr. NALINAKSHA SANYAL: Might I, in that case, suggest that we would be allowed to make amendments to that motion?

• **Mr. SANTOSH KUMAR BASU:** I have no objection.

Mr. SPEAKER: I hope it will simplify my task to a certain extent.

• • **Mr. SANTOSH KUMAR BASU:** So far as this motion is concerned, I am not at all anxious that this motion should be taken up at once.

Mr. SPEAKER: At the same time, I may tell the members of this House that this privilege motion will give us an opportunity to decide

this important question once for all for our future guidance. If we can forget the turmoil of the last two days, it will give us a suitable occasion to discuss an important privilege question which will be of great help to the Speaker or the Deputy Speaker in their parliamentary activities.

Adjournment Motion and Special Motion.

Mr. SYED JALALUDDIN HASHEMY: May I remind you of the notice I gave of an adjournment motion to discuss the conduct of a certain Minister to which you refused to give your consent? After a good deal of discussion the Deputy Speaker gave us an assurance to give his ruling the next day. Then I sent in a notice of a special motion under rule 95 of the Rules of Business to discuss the conduct of that particular Minister, I mean, the Finance Minister.

Sir, may I know from you whether you have gone through that adjournment motion and whether you will reconsider it or whether you will give me permission to move that special motion of which notice has already been given some time ago?

Mr. SPEAKER: Under ordinary circumstances, I should have totally refused to give any explanation to this House. A parliamentary institution can only function if the action of the Chair is not questioned in the House except by an appropriate motion of that character. If day after day the Speaker or anybody who occupies the Chair is subjected to criticisms—why a question is disallowed, why a motion is disallowed, why an adjournment motion has not been granted—it would be an end of all parliamentary institutions. That has been my attitude in such matters. Yet, I have all along taken the members into confidence. By arguments with them, by keeping up a smiling face to all sections, I have tried to be with them and make them feel that I am with them. I can assure the Left that they cannot probably get a better friend than me in vindicating the rights of the minorities and of the Opposition in this House. At the same time, it is my duty to see that the majority functions, that the majority is not stultified and that the rules and regulations are given effect to. In this case I only give this reply that I did fully consider this matter and I thought that in a matter like this, the consent of the Speaker cannot be given and I, therefore, have not given it; why and under what circumstances can only be discussed not in the House but outside and I will be able to explain that matter to them if they wish to discuss it.

As regards the special motion, that matter is not yet closed. It requires two stages of consent, namely, the consent by the Speaker and the consent by the Minister in charge of the department. We have

not heard anything from the Government. As soon as it comes, it will be communicated. But I do hope that the practice and procedure of asking questions to the Speaker on administrative matters should cease as soon as possible. It creates a very bad precedent. It is far better you ask the Speaker and the Deputy Speaker to resign rather than put upon them the responsibility of answering questions about their acts and action. As I have said, I am always at the disposal of this House to explain to them. I do not even plead that a Speaker by simply being in the Chair is infallible; but if he is fallible, let him be corrected not by an open criticism in the House that he is wrong but by other means always available. I believe the Speaker will correct himself at the first opportunity once he is convinced that he is wrong. I do hope that whatever might have been the feelings in the past, the matter is settled for the time being and we will now proceed with the business of the day.

• Mr. SARAT CHANDRA BOSE: Mr. Speaker, may I have your leave to say one word? I am afraid, you are under a misconception in thinking that the conduct of the Speaker was questioned. What was discussed was as to whether reasons should have been given why consent was refused. That is very different from the conduct of the Speaker being questioned.

Mr. SPEAKER: Here again I say that it is not essential until the rules are changed. The rules give absolute discretion to the Speaker to give reasons or not. If he does not, there is nothing to question him and if he does, there is nothing to prevent him.

Mr. SARAT CHANDRA BOSE: May I add, Mr. Speaker, that if you call upon me, I can give you precedents where the correctness of decision of Speakers of the British Parliament has been questioned?

Mr. SPEAKER: I will be glad to see them. I take it that the motion before the House is the motion of the Nawab Bahadur about the Calcutta Municipal (Amendment) Bill.

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1940.

• Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move by way of amendment that the Bill be recommitted to the same Select Committee with instructions to submit their report by 31st March, 1942, after due consideration of the opinion of the Calcutta Corporation and the opinion of the public regarding the proposed amendments and

suggestions, if any, for additional provisions with a view to improve the administration of the Calcutta Corporation, the quorum of the Select Committee being fixed at the same figure as before.

Sir, I have tabled a motion which is self-explanatory and I have hardly any arguments to give in support of the different sections or parts of my motion. I have sought in my motion to give the same Select Committee some more time not merely to examine the various view-points expressed by the public and by the Corporation of Calcutta in regard to this Bill but also to enable the Select Committee to examine if there are any further possibilities for including provisions for improving the administration of the Calcutta Corporation.

Sir, I would only say a few words in support of my motion in view of certain welcome gestures of understanding that have come from both parties. Sir, public opinion in Bengal has been greatly agitated over some of the recent measures and it will be in the fitness of things if we the legislators belonging to different sections of the public could obtain some opportunity of discussing frankly and freely round a table—which may not be a round table—the different view-points and try to come to some kind of understanding which may be both helpful in maintaining good relations amongst the people of Bengal as well as in maintaining peace in the country. I submit, Sir, that in the proposed measure Government had sought to do certain things which do not appear to me to be properly provided for in the provisions. I will not go into details but I want only to point out that the objects which were stated originally in the Statement of Objects and Reasons have not been fully covered by the proposed measures and wherever they have been covered the provisions have been probably a little too wide off the mark.

The history of self-government in Calcutta is replete with patriotic services of illustrious men beginning from Mahatma Sisir Kumar Ghosh of the "Amrita Bazar Patrika" down to the great father of Indian nationalism, Sir Surendra Nath Banerjee, who actually gave a charter of freedom to the Corporation of Calcutta. Sir, under the auspices of the progressive parties that have been elected to the Corporation since 1923 great progress has been achieved in the administration of the city and in providing various kinds of amenities to the citizens living in this metropolis. Since 1923, remarkable progress has been made in the provision of free primary education, in the grants given to hospitals, dispensaries, maternity homes and in the provision of baby clinics, etc., in arranging measures for preventing diseases like smallpox, cholera and typhoid and in furtherance of industrial and commercial interests of the people through the institution of the Commercial Museum and the Publicity Department and the like. Government have not gone so carefully into the various healthy measures of the Corporation that have actually so far been provided for, and if they had

appreciated some of the good steps taken, probably the drastic provisions of this proposed Bill would not have been conceived of. It is not my case that the affairs of the Corporation do not need looking into and that there is hardly any scope for improvement. I for one do realise that there is considerable scope for improvement and many of our illustrious sons of Bengal including Srijut Subhas Chandra Bose had unequivocally said that this augean stable should be cleansed. But, Sir, that does not mean that we on this side at least would agree to handing over the administration of the city to the Government, however benign and however representative that Government may be. The history of self-government of municipal bodies in other progressive countries gives me the impression that although there has been of late some tendency on the part of the States, in the United States of America, in Britain as well as in some of the continental countries in Europe, to take certain powers in the hands of Government it has gone with increasing responsibility accepted by the Central State Government in the provision of various amenities. (At this stage there were cries of "cut short" from the Coalition benches.) There would be no justification for Government to interfere with a self-governing institution until Government increase their own activities for public service in different directions.

Sir, the principal objectionable features are well known and I do not want to go into those features once again. They have been laid bare in a thousand public meetings and the Corporation of Calcutta also in their resolution—

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. Is it permissible for Dr. Sanyal to cut short his speech? (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Probably it is impossible for him to do so.

Dr. NALINAKSHA SANYAL: In deference to the wishes of members I shall conclude in a minute. As I was saying, Sir, the Corporation of Calcutta in their resolution of the 16th August, 1940, adopted a report detailing their observations. I submit, Sir, that the Select Committee should go into all those questions and also other questions that are not covered by this Bill, so that we can have a really healthy measure to improve the administration of the city and I assure the Government that if that is done with a spirit of good will and an open mind that is at the present moment evident, there will be universal appreciation of the efforts of both sides of the House.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
 Sir, as a result of discussion between the Government and the leaders of the different groups in Opposition, Government have decided to accept the motion for recommital of the Bill to the Select Committee (cheers), with the addition of five members on behalf of the Opposition in the House not represented on the Select Committee already. With this view, Sir, I beg your permission to add the following names to the motion of my honourable friend Dr. Nalinaksha Sanyal.

Sir, I may move the following amendment with your approval:—

(1) After the words "the Same Select Committee" in line 2, the following names be added:—

- (1) Mr. Santosh Kumar Basu,
- (2) Mr. Barada Prosanna Pain,
- (3) Mr. Hem Chandra Nasker,
- (4) Maharajkumar Uday Chand Mahtab, and
- (5) Mr. Jogesh Chandra Gupta.

(2) Delete everything commencing with the words "31st March" in lines 3-4 up to the words "Calcutta Corporation" in line 9 and add the words "18th November, 1941".

MR. SPEAKER: Mrs. Murshed has tendered her resignation from the membership of the Select Committee. So there is a vacancy, but five new names have been added, viz.,—

- (1) Mr. Santosh Kumar Basu,
- (2) Mr. Barada Prosanna Pain,
- (3) Mr. Hem Chandra Nasker,
- (4) Maharajkumar Uday Chand Mahtab, and
- (5) Mr. Jogesh Chandra Gupta.

This is the first part of Nawab Bahadur's suggestion.

The other suggestion which the Nawab Bahadur makes to Dr. Sanyal's amendment is that the Select Committee should submit their report by the 18th November, 1941. The Select Committee should go into the whole question fully and all other incidental matters. The quorum of the Select Committee will be the same as before.

I take it that there is a general agreement of the House. (Cries of "Yes, yes" from all sides.) In view of this general agreement I think

I should regularise the whole proceedings and I move on my own behalf that the old Select Committee be reconstituted by the addition of five names, namely:—

- (1) Mr. Santosh Kumar Basu,
- (2) Mr. Barada Prasanna Pain,
- (3) Mr. Hem Chandra Naskar,
- (4) Maharajkumar Uday Chand Mahtab, and
- (5) Mr. Jogesh Chandra Gupta.

The motion was then put and agreed to.

Therefore the Old Select Committee will now function with the addition of five names.

• **The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:**

Now I beg to move that the Bill be recommitted to the Select Committee as now reconstituted, namely:—

- (1) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca,
- (2) Mr. Abdur Rahman Siddiqi,
- (3) Mr. K. Nooruddin,
- (4) Mr. M. A. H. Ispahani,
- (5) Mr. Syed Badrudduja,
- (6) Khan Bahadur Maulvi Muhammad Solaiman,
- (7) Mr. J. N. Gupta,
- (8) Mr. Anukul Chandra Das,
- (9) Mr. W. C. Wordsworth,
- (10) Mr. C. W. Miles,
- (11) Mr. Pulin Behary Mullick,
- (12) Mr. Syed Jalaluddin Hashemy,
- • (13) Mr. Santosh Kumar Basu,
- (14) Mr. Barada Prasanna Pain,
- (15) Mr. Hem Chandra Naskar,
- (16) Maharajkumar Uday Chand Mahtab, and
- • (17) Mr. Jogesh Chandra Gupta,

with instructions to submit their report by the 18th November, 1941, the quorum of the Select Committee being fixed at the same figure as before.

The motion was then put and agreed to.

Mr. SPEAKER: That finishes so far as the Municipal Bill is concerned. I think the House now ought to be given an enforced rest, and I adjourn the House till Tuesday, the 12th August.

Adjournment.

The House was then adjourned at 5-30 p.m. till 4-45 p.m. on Tuesday, the 12th August, 1941, at the Assembly House, Calcutta.

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